



**International Convention
on the Elimination
of all Forms of
Racial Discrimination**

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COMMITTEE ON THE ELIMINATION
OF RACIAL DISCRIMINATION

CONSIDERATION OF REPORTS SUBMITTED BY STATES PARTIES
UNDER ARTICLE 9 OF THE CONVENTION

Fourteenth periodic reports of States parties due in 1996

1. Fourteenth periodic reports under article 9, paragraph 1 (b), of the International Convention on the Elimination of All Forms of Racial Discrimination are due in 1996 from 36 States parties.

2. The fourteenth periodic reports of the following 26 States parties are due on 4 January 1996: Argentina, Brazil, Bulgaria, Costa Rica, Cyprus, Ecuador, Egypt, Ghana, Hungary, Iceland, India, Iran (Islamic Republic of), Kuwait, Libyan Arab Jamahiriya, Niger, Nigeria, Pakistan, Panama, Philippines, Poland, Sierra Leone, Spain, Tunisia, Uruguay, Venezuela and Yugoslavia. The reports of the remaining 10 States parties are due on the following dates:

Russian Federation	6 March 1996
Madagascar	9 March 1996
Ukraine	6 April 1996
United Kingdom of Great Britain and Northern Ireland	6 April 1996
Swaziland	7 May 1996
Belarus	8 May 1996
Syrian Arab Republic	21 May 1996
Holy See	31 May 1996
Germany	15 June 1996
Mongolia	5 September 1996

3. The fourteenth periodic reports of the States parties listed above will be issued in addenda to this document.

4. The table below lists the 36 States parties in alphabetical order, the dates on which their fourteenth periodic reports are due, and the symbol numbers of the documents containing their initial, second, third, fourth, fifth, sixth, seventh, eighth, ninth, tenth, eleventh, twelfth and thirteenth periodic reports and of the summary records of the meetings of the Committee at which those reports were considered.

<u>States parties</u>	<u>Date on which fourteenth periodic report is due</u>	<u>Documents containing initial (1), second (2), third (3), fourth (4), fifth (5), sixth (6), seventh (7), eighth (8), ninth (9), tenth (10), eleventh (11), twelfth (12) and thirteenth (13) periodic reports</u>	<u>Summary records of meetings at which those reports were considered</u>
Argentina	5 January 1996	(1) CERD/C/R.3/Add.1 and Add.19 (2) CERD/C/R.30/Add.2 (3) CERD/C/R.70/Add.20 (4) CERD/C/R.90/Add.4 (5) CERD/C/20/Add.7 and Corr.1 (6) CERD/C/66/Add.6 (7) CERD/C/91/Add.8 (8) CERD/C/118/Add.1 and Add.16 (9) CERD/C/149/Add.1 (10) CERD/C/172/Add.18 (11) Not yet received (12) Not yet received (13) Not yet received	CERD/C/SR.30, SR.31 and SR.56 CERD/C/SR.126-127 CERD/C/SR.232-233 CERD/C/SR.280-281 CERD/C/SR.390-391 CERD/C/SR.479-480 CERD/C/SR.578-579 CERD/C/SR.684-685 CERD/C/SR.783 CERD/C/SR.892 and SR.894 - - -
Belarus	7 May 1996	(1) CERD/C/R.3/Add.31 (2) CERD/C/R.30/Add.23 (3) CERD/C/R.70/Add.16 (4) CERD/C/R.90/Add.16 (5) CERD/C/20/Add.22 (6) CERD/C/66/Add.18 (7) CERD/C/91/Add.23 (8) CERD/C/118/Add.9 (9) CERD/C/149/Add.5 (10) CERD/C/172/Add.15 (11) CERD/C/263/Add.4 (12) CERD/C/263/Add.4 (13) CERD/C/263/Add.4	CERD/C/SR.47, SR.48 and SR.56 CERD/C/SR.140 CERD/C/SR.203 CERD/C/SR.301 CERD/C/SR.417 CERD/C/SR.491 CERD/C/SR.606-607 CERD/C/SR.705-706 CERD/C/SR.792 CERD/C/SR.879 CERD/C/SR.1101-1102 CERD/C/SR.1101-1102 CERD/C/SR.1101-1102

<u>States parties</u>	<u>Date on which fourteenth periodic report is due</u>	<u>Documents containing initial (1), second (2), third (3), fourth (4), fifth (5), sixth (6), seventh (7), eighth (8), ninth (9), tenth (10), eleventh (11), twelfth (12) and thirteenth (13) periodic reports</u>	<u>Summary records of meetings at which those reports were considered</u>
Brazil	5 January 1996	(1) CERD/C/R.3/Add.11 and Add.48 (2) CERD/C/R.30/Add.7 (3) CERD/C/R.70/Add.10 (4) CERD/C/20/Add.14 (5) CERD/C/20/Add.14 (6) CERD/C/66/Add.1 (7) CERD/C/91/Add.25 (8) CERD/C/149/Add.3 (9) CERD/C/149/Add.3 (10) CERD/C/263/Add.10 (11) CERD/C/263/Add.10 (12) CERD/C/263/Add.10 (13) CERD/C/263/Add.10	CERD/C/SR.41, SR.56 and SR.63 CERD/C/SR.130 CERD/C/SR.193 CERD/C/SR.395 CERD/C/SR.395 CERD/C/SR.466 CERD/C/SR.612-613 CERD/C/SR.788 CERD/C/SR.788 Pending consideration " " " " " "
Bulgaria	5 January 1996	(1) CERD/C/R.3/Add.7 (2) CERD/C/R.30/Add.12 (3) CERD/C/R.70/Add.25 (4) CERD/C/R.90/Add.9 (5) CERD/C/20/Add.19 (6) CERD/C/66/Add.28 (7) CERD/C/118/Add.17/Rev.1 (8) CERD/C/118/Add.17/Rev.1 (9) CERD/C/197/Add.4 (10) CERD/C/197/Add.4 (11) CERD/C/197/Add.4 (12) Not yet received (13) Not yet received	CERD/C/SR.33, SR.35 and SR.56 CERD/C/SR.132-133 CERD/C/SR.213 CERD/C/SR.296-297 CERD/C/SR.413-414 CERD/C/SR.514-515 CERD/C/SR.761-762 CERD/C/SR.761-762 CERD/C/SR.918-919 CERD/C/SR.918-919 CERD/C/SR.918-919 - -
Costa Rica	5 January 1996	(1) CERD/C/R.3/Add.5 and Add.20 (2) CERD/C/R.30/Add.9 and Add.31 (3) CERD/C/R.70/Add.4 (4) CERD/C/66/Add.29 (5) CERD/C/66/Add.29 (6) CERD/C/66/Add.29 (7) CERD/C/91/Add.11 and Add.13 (8) CERD/C/118/Add.31	CERD/C/SR.34 and SR.56 CERD/C/SR.131 CERD/C/SR.195 CERD/C/SR.516-517 CERD/C/SR.516-517 CERD/C/SR.516-517 CERD/C/SR.587 CERD/C/SR.794-795

<u>States parties</u>	<u>Date on which fourteenth periodic report is due</u>	<u>Documents containing initial (1), second (2), third (3), fourth (4), fifth (5), sixth (6), seventh (7), eighth (8), ninth (9), tenth (10), eleventh (11), twelfth (12) and thirteenth (13) periodic reports</u>	<u>Summary records of meetings at which those reports were considered</u>
Costa Rica (cont'd)		(9) CERD/C/149/Add.15 (10) CERD/C/197/Add.8 (11) CERD/C/197/Add.8 (12) Not yet received (13) Not yet received	CERD/C/SR.794-795 CERD/C/SR.941-942 and SR.951 CERD/C/SR.941-942 and SR.951 - -
Cyprus	5 January 1996	(1) CERD/C/R.3/Add.21, Add.46 and Add.55 (2) CERD/C/R.30/Add.35 (3) CERD/C/R.70/Add.21 and Add.36 (4) CERD/C/R.90/Add.6 (5) CERD/C/20/Add.6 (6) CERD/C/66/Add.3 (7) CERD/C/91/Add.16 (8) CERD/C/118/Add.13 (9) CERD/C/149/Add.24 (10) CERD/C/172/Add.3 (11) CERD/C/263/Add.1 (12) CERD/C/263/Add.1 (13) CERD/C/263/Add.1 (14) Not yet received	CERD/C/SR.50, SR.56 and SR.68 CERD/C/SR.133 CERD/C/SR.234-235 and SR.251 CERD/C/SR.275 CERD/C/SR.400-401 CERD/C/SR.471 CERD/C/SR.599 CERD/C/SR.711-712 CERD/C/SR.847 CERD/C/SR.847 CERD/C/SR.1077-1078 CERD/C/SR.1077-1078 CERD/C/SR.1077-1078 -
Ecuador	5 January 1996	(1) CERD/C/R.3/Add.25 (2) CERD/C/R.30/Add.6 (3) CERD/C/R.70/Add.3 and Add.14 (4) CERD/C/R.90/Add.17 and Add.21 (5) CERD/C/20/Add.35 and 36 (6) CERD/C/91/Add.2 (7) CERD/C/91/Add.2 (8) CERD/C/118/Add.4 (9) CERD/C/172/Add.4 (10) CERD/C/172/Add.4 (11) CERD/C/197/Add.9 (12) CERD/C/226/Add.1 (13) Not yet received	CERD/C/SR.44 and SR.56 CERD/C/SR.128-129 CERD/C/SR.186 CERD/C/SR.302 CERD/C/SR.440 CERD/C/SR.562 CERD/C/SR.562 CERD/C/SR.701-702 CERD/C/SR.868 CERD/C/SR.868 CERD/C/SR.971-972 and SR.983 CERD/C/SR.971-972 and SR.983 -

<u>States parties</u>	<u>Date on which fourteenth periodic report is due</u>	<u>Documents containing initial (1), second (2), third (3), fourth (4), fifth (5), sixth (6), seventh (7), eighth (8), ninth (9), tenth (10), eleventh (11), twelfth (12) and thirteenth (13) periodic reports</u>	<u>Summary records of meetings at which those reports were considered</u>
Egypt	5 January 1996	(1) CERD/C/R.3/Add.34 (2) CERD/C/R.30/Add.36 (3) CERD/C/R.70/Add.15 (4) CERD/C/R.90/Add.29 (5) CERD/C/20/Add.11 and Add.24 (6) CERD/C/66/Add.4 (7) CERD/C/91/Add.15 (8) CERD/C/149/Add.22 (9) CERD/C/149/Add.22 (10) CERD/C/172/Add.12 (11) CERD/C/226/Add.13 (12) CERD/C/226/Add.13 (13) Not yet received	CERD/C/SR.49 and SR.56 CERD/C/SR.135-136 CERD/C/SR.202 CERD/C/SR.345 CERD/C/SR.395 CERD/C/SR.472 CERD/C/SR.584-585 CERD/C/SR.837 CERD/C/SR.837 CERD/C/SR.837 CERD/C/SR.1048-1049 CERD/C/SR.1048-1049 -
Germany	14 June 1996	(1) CERD/C/R.3/Add.29 and Add.41 (2) CERD/C/R.30/Add.25 and Corr.1 (3) CERD/C/R.70/Add.24 (4) CERD/C/R.90/Add.26 (5) CERD/C/20/Add.32 (6) CERD/C/66/Add.27 (7) CERD/C/91/Add.30 (8) CERD/C/118/Add.19 (9) CERD/C/149/Add.21 (10) CERD/C/172/Add.13 (11) CERD/C/226/Add.7 (12) CERD/C/226/Add.7 (13) Not yet received	CERD/C/SR.45-47 and SR.56-57 CERD/C/SR.141-143 CERD/C/SR.211-213 CERD/C/SR.320-321 CERD/C/SR.439-440 CERD/C/SR.528-529 CERD/C/SR.616 and SR.621 CERD/C/SR.729-730 CERD/C/SR.844-845 CERD/C/SR.844-845 CERD/C/SR.999-1000 CERD/C/SR.999-1000 -
Ghana	5 January 1996	(1) CERD/C/R.3/Add.18 (2) CERD/C/R.30/Add.33 and Add.44 (3) CERD/C/R.70/Add.13 (4) CERD/C/20/Add.16 (5) CERD/C/20/Add.16 (6) CERD/C/91/Add.21 (7) CERD/C/91/Add.21 (8) CERD/C/118/Add.28 (9) CERD/C/149/Add.13	CERD/C/SR.44 and SR.56 CERD/C/SR.130 and SR.179 CERD/C/SR.201-202 CERD/C/SR.397 CERD/C/SR.397 CERD/C/SR.629-630 CERD/C/SR.629-630 CERD/C/SR.757 CERD/C/SR.822-823

<u>States parties</u>	<u>Date on which fourteenth periodic report is due</u>	<u>Documents containing initial (1), second (2), third (3), fourth (4), fifth (5), sixth (6), seventh (7), eighth (8), ninth (9), tenth (10), eleventh (11), twelfth (12) and thirteenth (13) periodic reports</u>	<u>Summary records of meetings at which those reports were considered</u>
Ghana (cont'd)		(10) CERD/C/197/Add.7 (11) CERD/C/197/Add.7 (12) Not yet received (13) Not yet received	CERD/C/SR.943-944 and SR.950 CERD/C/SR.943-944 and SR.950 - -
Holy See	1 June 1996	(1) CERD/C/R.3/Add.28 (2) CERD/C/R.30/Add.41 (3) CERD/C/R.70/Add.33 (4) CERD/C/R.90/Add.24 (5) CERD/C/66/Add.30 (6) CERD/C/66/Add.30 (7) CERD/C/91/Add.17 (8) CERD/C/118/Add.11 (9) CERD/C/149/Add.6 (10) CERD/C/172/Add.8 (11) CERD/C/226/Add.6 (12) CERD/C/226/Add.6 (13) Not yet received	CERD/C/SR.45 and SR.56 CERD/C/SR.133 CERD/C/SR.239 CERD/C/SR.333 CERD/C/SR.517-518 CERD/C/SR.517-518 CERD/C/SR.586 CERD/C/SR.709 CERD/C/SR.793 CERD/C/SR.875 CERD/C/SR.991-992 CERD/C/SR.991-992 -
Hungary	5 January 1996	(1) CERD/C/R.3/Add.47 (2) CERD/C/R.30/Add.18 (3) CERD/C/R.70/Add.9 (4) CERD/C/R.90/Add.5 (5) CERD/C/20/Add.8 (6) CERD/C/66/Add.9 (7) CERD/C/91/Add.5 (8) CERD/C/118/Add.2 (9) CERD/C/149/Add.9 (10) CERD/C/172/Add.7 (11) CERD/C/263/Add.6 (12) CERD/C/263/Add.6 (13) CERD/C/263/Add.6	CERD/C/SR.61-62 CERD/C/SR.136-137 CERD/C/SR.192 CERD/C/SR.281 CERD/C/SR.392 CERD/C/SR.482 CERD/C/SR.564-565 CERD/C/SR.700 CERD/C/SR.795 CERD/C/SR.876 Pending consideration " " " "
Iceland	5 January 1996	(1) CERD/C/R.3/Add.35 and Add.56 (2) CERD/C/R.30/Add.1 (3) CERD/C/R.70/Add.5 (4) CERD/C/R.90/Add.19 (5) CERD/C/20/Add.2 (6) CERD/C/66/Add.7 (7) CERD/C/91/Add.4 (8) CERD/C/118/Add.20	CERD/C/SR.49, SR.56 SR.58, SR.93 and SR.94 CERD/C/SR.126 CERD/C/SR.190 CERD/C/SR.304 CERD/C/SR.389 CERD/C/SR.461 CERD/C/SR.563 CERD/C/SR.715

<u>States parties</u>	<u>Date on which fourteenth periodic report is due</u>	<u>Documents containing initial (1), second (2), third (3), fourth (4), fifth (5), sixth (6), seventh (7), eighth (8), ninth (9), tenth (10), eleventh (11), twelfth (12) and thirteenth (13) periodic reports</u>	<u>Summary records of meetings at which those reports were considered</u>
Iceland (cont'd)		(9) CERD/C/149/Add.17 (10) CERD/C/226/Add.12 (11) CERD/C/226/Add.12 (12) CERD/C/226/Add.12 (13) CERD/C/263/Add.2	CERD/C/SR.834 CERD/C/SR.1049-1050 CERD/C/SR.1049-1050 CERD/C/SR.1049-1050 CERD/C/SR.1049-1050
India	5 January 1996	(1) CERD/C/R.3/Add.3/Rev.1 and Add.39 (2) CERD/C/R.30/Add.24 (3) CERD/C/R.70/Add.29 (4) CERD/C/R.90/Add.32 (5) CERD/C/20/Add.34 (6) CERD/C/66/Add.33 (7) CERD/C/91/Add.26 (8) CERD/C/149/Add.11 (9) CERD/C/149/Add.11 (10) Not yet received (11) Not yet received (12) Not yet received (13) Not yet received	CERD/C/SR.33, SR.50 SR.51 and SR.56 CERD/C/SR.140-141 CERD/C/SR.235 CERD/C/SR.366-367 CERD/C/SR.441-442 CERD/C/SR.535 CERD/C/SR.614-615 CERD/C/SR.796-797 CERD/C/SR.796-797 - - - -
Iran (Islamic Republic of)	5 January 1996	(1) CERD/C/R.3/Add.1 (2) CERD/C/R.30/Add.3, Add.39 and Add.45 (3) CERD/C/R.70/Add.1 (4) CERD/C/R.90/Add.2 (5) CERD/C/20/Add.1 (6) CERD/C/66/Add.5 (7) CERD/C/91/Add.31 (8) CERD/C/118/Add.12 (9) CERD/C/226/Add.8 (10) CERD/C/226/Add.8 (11) CERD/C/226/Add.8 (12) CERD/C/226/Add.8 (13) Not yet received	CERD/C/SR.31, SR.33 and SR.56 CERD/C/SR.127 and SR.179 CERD/C/SR.179 CERD/C/SR.279 CERD/C/SR.371 CERD/C/SR.472 CERD/C/SR.615-616 CERD/C/SR.709-710 CERD/C/SR.989-990 CERD/C/SR.989-990 CERD/C/SR.989-990 CERD/C/SR.989-990 -
Kuwait	5 January 1996	(1) CERD/C/R.3/Add.24 and Add.36 (2) CERD/C/R.30/Add.4 (3) CERD/C/R.70/Add.6 (4) CERD/C/R.90/Add.8 (5) CERD/C/20/Add.13 and Corr.1 (6) CERD/C/66/Add.23	CERD/C/SR.44, SR.47 and SR.56 CERD/C/SR.128 CERD/C/SR.190 CERD/C/SR.280 CERD/C/SR.396-397 CERD/C/SR.509

<u>States parties</u>	<u>Date on which fourteenth periodic report is due</u>	<u>Documents containing initial (1), second (2), third (3), fourth (4), fifth (5), sixth (6), seventh (7), eighth (8), ninth (9), tenth (10), eleventh (11), twelfth (12) and thirteenth (13) periodic reports</u>	<u>Summary records of meetings at which those reports were considered</u>
Kuwait (cont'd)		(7) CERD/C/91/Add.3 (8) CERD/C/118/Add.3 (9) CERD/C/149/Add.16 (10) CERD/C/226/Add.5 (11) CERD/C/226/Add.5 (12) CERD/C/226/Add.5 (13) Not yet received	CERD/C/SR.563 CERD/C/SR.687 CERD/C/SR.824 CERD/C/SR.995-996 CERD/C/SR.995-996 CERD/C/SR.995-996 -
Libyan Arab Jamahiriya	5 January 1996	(1) CERD/C/R.3/Add.30 (2) CERD/C/R.30/Add.27 (3) CERD/C/R.70/Add.31 (4) CERD/C/R.90/Add.18 (5) CERD/C/20/Add.29 (6) CERD/C/172/Add.2 (7) CERD/C/172/Add.2 (8) CERD/C/172/Add.2 (9) CERD/C/172/Add.2 (10) CERD/C/172/Add.2 (11) Not yet received (12) Not yet received (13) Not yet received	CERD/C/SR.47 and SR.56 CERD/C/SR.144 CERD/C/SR.237 CERD/C/SR.302 CERD/C/SR.426-427 CERD/C/SR.852 CERD/C/SR.852 CERD/C/SR.852 CERD/C/SR.852 CERD/C/SR.852 - - -
Madagascar	8 March 1996	(1) CERD/C/R.3/Add.16, Add.44, Add.58 and Add.59 (2) CERD/C/R.30/Add.26 and Add.38 (3) CERD/C/R.70/Add.2 (4) CERD/C/R.90/Add.11 (5) CERD/C/20/Add.5 (6) CERD/C/66/Add.21 (7) CERD/C/91/Add.29 (8) CERD/C/118/Add.10 (9) CERD/C/149/Add.19 (10) Not yet received (11) Not yet received (12) Not yet received (13) Not yet received	CERD/C/SR.43, SR.56, SR.68, SR.95 and SR.143 CERD/C/SR.143 CERD/C/SR.189 CERD/C/SR.286 CERD/C/SR.389 CERD/C/SR.518 CERD/C/SR.611-612 CERD/C/SR.713-714 CERD/C/SR.835 - - - -
Mongolia	4 September 1996	(1) CERD/C/R.3/Add.53 (2) CERD/C/R.30/Add.30 (3) CERD/C/R.70/Add.35 (4) CERD/C/34 (5) CERD/C/20/Add.37 (6) CERD/C/66/Add.34	CERD/C/SR.62 CERD/C/SR.127 CERD/C/SR.243 CERD/C/SR.411 CERD/C/SR.467 CERD/C/SR.539

<u>States parties</u>	<u>Date on which fourteenth periodic report is due</u>	<u>Documents containing initial (1), second (2), third (3), fourth (4), fifth (5), sixth (6), seventh (7), eighth (8), ninth (9), tenth (10), eleventh (11), twelfth (12) and thirteenth (13) periodic reports</u>	<u>Summary records of meetings at which those reports were considered</u>
Mongolia (cont'd)		(7) CERD/C/91/Add.10 (8) CERD/C/118/Add.22 (9) CERD/C/149/Add.23 (10) CERD/C/172/Add.10 (11) Not yet received (12) Not yet received (13) Not yet received	CERD/C/SR.581 CERD/C/SR.733-734 CERD/C/SR.839-840 CERD/C/SR.839-840 - - -
Niger	5 January 1996	(1) CERD/C/R.3/Add.8 and Add.15 (2) CERD/C/R.30/Add.10 (3) CERD/C/R.70/Add.30 (4) CERD/C/R.90/Add.1 (5) CERD/C/20/Add.28 (6) CERD/C/91/Add.34 (7) CERD/C/91/Add.34 (8) CERD/C/172/Add.1 (9) CERD/C/172/Add.1 (10) CERD/C/172/Add.1 (11) Not yet received (12) Not yet received (13) Not yet received	CERD/C/SR.35 and SR.56 CERD/C/SR.132 CERD/C/SR.236-237 CERD/C/SR.275 CERD/C/SR.426 CERD/C/SR.642 CERD/C/SR.642 CERD/C/SR.838 CERD/C/SR.838 CERD/C/SR.838 - - -
Nigeria	5 January 1996	(1) CERD/C/R.3/Add.32 and Add.40 (2) CERD/C/R.30/Add.16 (3) CERD/C/R.70/Add.26 (4) CERD/C/R.90/Add.28 (5) CERD/C/20/Add.31 (6) CERD/C/66/Add.25 (7) CERD/C/91/Add.32 and Add.35 (8) CERD/C/118/Add.14 and Add.26 (9) CERD/C/149/Add.25 (10) CERD/C/226/Add.9 (11) CERD/C/226/Add.9 (12) CERD/C/226/Add.9 (13) CERD/C/263/Add.3 and CERD/C/283	CERD/C/SR.48 and SR.56 CERD/C/SR.135 CERD/C/SR.213-214 CERD/C/SR.330-331 CERD/C/SR.436 CERD/C/SR.512-513 CERD/C/SR.642-643 CERD/C/SR.720 CERD/C/SR.851-852 CERD/C/SR.993 and SR.998 CERD/C/SR.993 and SR.998 CERD/C/SR.993 and SR.998 CERD/C/SR.1115 and SR.1117

<u>States parties</u>	<u>Date on which fourteenth periodic report is due</u>	<u>Documents containing initial (1), second (2), third (3), fourth (4), fifth (5), sixth (6), seventh (7), eighth (8), ninth (9), tenth (10), eleventh (11), twelfth (12) and thirteenth (13) periodic reports</u>	<u>Summary records of meetings at which those reports were considered</u>
Pakistan	5 January 1996	(1) CERD/C/R.3/Add.10 and Add.42 (2) CERD/C/R.30/Add.14 (3) CERD/C/R.70/Add.8 (4) CERD/C/R.90/Add.22 (5) CERD/C/20/Add.15 (6) CERD/C/66/Add.10 (7) CERD/C/91/Add.33 (8) CERD/C/118/Add.15 (9) CERD/C/149/Add.12 and Corr.1 (10) Not yet received (11) Not yet received (12) Not yet received (13) Not yet received	CERD/C/SR.35, SR.51, SR.56 and SR.58 CERD/C/SR.134 CERD/C/SR.191-192 CERD/C/SR.322 CERD/C/SR.391 CERD/C/SR.484 CERD/C/SR.630-631 CERD/C/SR.712-713 CERD/C/SR.796-797 - - -
Panama	5 January 1996	(1) CERD/C/R.3/Add.9 and Add.52 (2) CERD/C/R.30/Add.21 (3) CERD/C/R.70/Add.27 (4) CERD/C/8 (5) CERD/C/20/Add.25 (6) CERD/C/91/Add.1 (7) CERD/C/91/Add.1 (8) CERD/C/149/Add.4 (9) CERD/C/149/Add.4 (10) Not yet received (11) Not yet received (12) Not yet received (13) Not yet received	CERD/C/SR.33, SR.35, SR.56 and SR.63-66 CERD/C/SR.139 CERD/C/SR.212 CERD/C/SR.331-332 and SR.334 CERD/C/SR.418-419 CERD/C/SR.558-559 CERD/C/SR.558-559 CERD/C/SR.790 CERD/C/SR.790 - - - -
Philippines	5 January 1996	(1) CERD/C/R.3/Add.13 (2) CERD/C/R.30/Add.11 and Add.37 (3) CERD/C/R.70/Add.7 and Add.11 (4) CERD/C/R.90/Add.20 (5) CERD/C/20/Add.9 and Add.30 (6) CERD/C/66/Add.12 and Add.19 (7) CERD/C/91/Add.7 and Add.12 (8) CERD/C/172/Add.17	CERD/C/SR.42 and SR.56 CERD/C/SR.146 CERD/C/SR.191 CERD/C/SR.321 CERD/C/SR.409 CERD/C/SR.485-486 CERD/C/SR.577-578 CERD/C/SR.842-843

<u>States parties</u>	<u>Date on which fourteenth periodic report is due</u>	<u>Documents containing initial (1), second (2), third (3), fourth (4), fifth (5), sixth (6), seventh (7), eighth (8), ninth (9), tenth (10), eleventh (11), twelfth (12) and thirteenth (13) periodic reports</u>	<u>Summary records of meetings at which those reports were considered</u>
Philippines (cont'd)		(9) CERD/C/172/Add.17 (10) CERD/C/172/Add.17 (11) Not yet received (12) Not yet received (13) Not yet received	CERD/C/SR.842-843 CERD/C/SR.842-843 - - -
Poland	5 January 1996	(1) CERD/C/R.3/Add.4 and Add.23 (2) CERD/C/R.30/Add.17 (3) CERD/C/R.70/Add.28 (4) CERD/C/R.90/Add.13 (5) CERD/C/20/Add.10 (6) CERD/C/66/Add.17 (7) CERD/C/91/Add.19 (8) CERD/C/118/Add.21 (9) CERD/C/149/Add.20 (10) CERD/C/226/Add.2 (11) CERD/C/226/Add.2 (12) CERD/C/226/Add.2 (13) Not yet received	CERD/C/SR.33, SR.34, and SR.56 CERD/C/SR.136 CERD/C/SR.214 CERD/C/SR.297 CERD/C/SR.394-395 CERD/C/SR.491 CERD/C/SR.600 CERD/C/SR.736 CERD/C/SR.836 CERD/C/SR.981-983 CERD/C/SR.981-983 CERD/C/SR.981-983 -
Russian Federation	5 March 1996	(1) CERD/C/R.3/Add.12 (2) CERD/C/R.30/Add.19 (3) CERD/C/R.70/Add.12 (4) CERD/C/R.90/Add.14 (5) CERD/C/20/Add.18 (6) CERD/C/66/Add.14 (7) CERD/C/91/Add.18 (8) CERD/C/118/Add.6 (9) CERD/C/149/Add.8 (10) CERD/C/172/Add.6 (11) CERD/C/197/Add.1 (12) CERD/C/263/Add.9 (13) CERD/C/263/Add.9	CERD/C/SR.41 and SR.56 CERD/C/SR.137 CERD/C/SR.191 CERD/C/SR.298 CERD/C/SR.412 CERD/C/SR.489-490 CERD/C/SR.586-587 CERD/C/SR.702-703 CERD/C/SR.779 CERD/C/SR.878-879 CERD/C/SR.878-879 Pending consideration " "
Sierra Leone	5 January 1996	(1) CERD/C/R.3/Add.54 (2) CERD/C/R.30/Add.43 (3) CERD/C/R.70/Add.22 (4) Not yet received (5) Not yet received	CERD/C/SR.62 CERD/C/SR.153, SR.159, SR.161 and SR.204 CERD/C/SR.204 and SR.215 - -

<u>States parties</u>	<u>Date on which fourteenth periodic report is due</u>	<u>Documents containing initial (1), second (2), third (3), fourth (4), fifth (5), sixth (6), seventh (7), eighth (8), ninth (9), tenth (10), eleventh (11), twelfth (12) and thirteenth (13) periodic reports</u>	<u>Summary records of meetings at which those reports were considered</u>
Sierra Leone (cont'd)		(6) Not yet received (7) Not yet received (8) Not yet received (9) Not yet received (10) Not yet received (11) Not yet received (12) Not yet received (13) Not yet received	- - - - - - - -
Spain	5 January 1996	(1) CERD/C/R.3/Add.6 and Add.22 (2) CERD/C/R.30/Add.42 (3) CERD/C/R.70/Add.23 (4) CERD/C/R.90/Add.12 (5) CERD/C/20/Add.20 and Add.33 (6) CERD/C/66/Add.16 (7) CERD/C/91/Add.6 (8) CERD/C/118/Add.5 and Add.29 (9) CERD/C/149/Add.14 (10) CERD/C/226/Add.11 (11) CERD/C/226/Add.11 (12) CERD/C/226/Add.11 (13) CERD/C/263/Add.5	CERD/C/SR.33, SR.35 and SR.56 CERD/C/SR.152 CERD/C/SR.211 CERD/C/SR.287 CERD/C/SR.414 CERD/C/SR.501 CERD/C/SR.577 CERD/C/SR.740-741 CERD/C/SR.824 CERD/C/SR.1054-1056 CERD/C/SR.1054-1056 CERD/C/SR.1054-1056 Pending consideration
Swaziland	6 May 1996	(1) CERD/C/R.3/Add.33 and Add.45 (2) CERD/C/R.30/Add.40 (3) CERD/C/R.70/Add.18 (4) Not yet received (5) Not yet received (6) Not yet received (7) Not yet received (8) Not yet received (9) Not yet received (10) Not yet received (11) Not yet received (12) Not yet received (13) Not yet received	CERD/C/SR.48, SR.49 and SR.56 CERD/C/SR.137, SR.138 and SR.144 CERD/C/SR.205 - - - - - - - - -

<u>States parties</u>	<u>Date on which fourteenth periodic report is due</u>	<u>Documents containing initial (1), second (2), third (3), fourth (4), fifth (5), sixth (6), seventh (7), eighth (8), ninth (9), tenth (10), eleventh (11), twelfth (12) and thirteenth (13) periodic reports</u>	<u>Summary records of meetings at which those reports were considered</u>
Syrian Arab Republic	20 May 1996	(1) CERD/C/R.3/Add.38, Add.43 and Add.49 (2) CERD/C/R.30/Add.32 (3) CERD/C/R.70/Add.19 and CERD/C/1 (4) CERD/C/R.90/Add.23 (5) CERD/C/20/Add.21 (6) CERD/C/66/Add.22 and Add.32 (7) CERD/C/91/Add.36 (8) CERD/C/118/Add.32 (9) CERD/C/197/Add.6 (10) CERD/C/197/Add.6 (11) CERD/C/197/Add.6 (12) Not yet received (13) Not yet received	CERD/C/SR.49-50, SR.56-57, SR.66-67 and SR.70-71 CERD/C/SR.129 and SR.131 CERD/C/SR.206, SR.207 and SR.215 CERD/C/SR.323-324 CERD/C/SR.416 CERD/C/SR.507-508 CERD/C/SR.661-662 CERD/C/SR.817 CERD/C/SR.932 CERD/C/SR.932 CERD/C/SR.932 - -
Tunisia	5 January 1996	(1) CERD/C/R.3/Add.50 (2) CERD/C/R.30/Add.8 and Add.29 (3) CERD/C/R.70/Add.39 (4) CERD/C/R.90/Add.3 (5) CERD/C/20/Add.3 (6) CERD/C/66/Add.11 (7) CERD/C/91/Add.28 (8) CERD/C/118/Add.27 (9) CERD/C/226/Add.10 (10) CERD/C/226/Add.10 (11) CERD/C/226/Add.10 (12) CERD/C/226/Add.10 (13) Not yet received	CERD/C/SR.62-63 CERD/C/SR.131 CERD/C/SR.279 CERD/C/SR.279 CERD/C/SR.388 CERD/C/SR.484-485 CERD/C/SR.610-611 CERD/C/SR.755-756 CERD/C/SR.1016-1017 CERD/C/SR.1016-1017 CERD/C/SR.1016-1017 CERD/C/SR.1016-1017 -
Ukraine	5 April 1996	(1) CERD/C/R.3/Add.26 and 37 (2) CERD/C/R.30/Add.20 (3) CERD/C/R.70/Add.17 (4) CERD/C/R.90/Add.15 (5) CERD/C/20/Add.23 (6) CERD/C/66/Add.15 (7) CERD/C/91/Add.20 (8) CERD/C/118/Add.8	CERD/C/SR.45 and SR.56 CERD/C/SR.138 CERD/C/SR.205 CERD/C/SR.299 CERD/C/SR.418 CERD/C/SR.490 CERD/C/SR.600-601 CERD/C/SR.704-705

<u>States parties</u>	<u>Date on which fourteenth periodic report is due</u>	<u>Documents containing initial (1), second (2), third (3), fourth (4), fifth (5), sixth (6), seventh (7), eighth (8), ninth (9), tenth (10), eleventh (11), twelfth (12) and thirteenth (13) periodic reports</u>	<u>Summary records of meetings at which those reports were considered</u>
Ukraine (cont'd)		(9) CERD/C/149/Add.10 (10) CERD/C/172/Add.14 (11) CERD/C/197/Add.5 (12) CERD/C/226/Add.3 (13) Not yet received	CERD/C/SR.820-821 CERD/C/SR.893 CERD/C/SR.958-959 and SR.983 CERD/C/SR.958-959 and SR.983
United Kingdom of Great Britain and Northern Ireland	5 April 1996	(1) CERD/C/R.3/Add.14 and Corr.1 (2) CERD/C/R.30/Add.28 (3) CERD/C/R.70/Add.34 (4) CERD/C/R.90/Add.30 (5) CERD/C/20/Add.17 and Add.26 (6) CERD/C/66/Add.13 and Add.24 (7) CERD/C/91/Add.24 (8) CERD/C/118/Add.7 (9) CERD/C/149/Add.7 (10) CERD/C/172/Add.11 and Add.16 (11) CERD/C/197/Add.2 (12) CERD/C/226/Add.4 (13) CERD/C/263/Add.7	CERD/C/SR.42-43, and SR.56-57 CERD/C/SR.156-158 CERD/C/SR.244-245 and SR.248-249 CERD/C/SR.348-349 CERD/C/SR.398-399 CERD/C/SR.487-488 CERD/C/SR.605-606 CERD/C/SR.716-717 CERD/C/SR.793-794 CERD/C/SR.907-908 CERD/C/SR.907-908 CERD/C/SR.996-998 Pending consideration
Uruguay	5 January 1996	(1) CERD/C/R.3/Add.57 (2) CERD/C/R.30/Add.13 and Add.34 (3) CERD/C/R.70/Add.38 (4) CERD/C/R.90/Add.25 (5) CERD/C/20/Add.4 (6) CERD/C/66/Add.20 (7) CERD/C/91/Add.9 (8) CERD/C/197/Add.3 (9) CERD/C/197/Add.3 (10) CERD/C/197/Add.3 (11) CERD/C/197/Add.3 (12) Not yet received (13) Not yet received	CERD/C/SR.95 CERD/C/SR.95 and SR.143 CERD/C/SR.257 CERD/C/SR.324-325 CERD/C/SR.388 CERD/C/SR.517 CERD/C/SR.579 CERD/C/SR.896-897 CERD/C/SR.896-897 CERD/C/SR.896-897 CERD/C/SR.896-897

<u>States parties</u>	<u>Date on which fourteenth periodic report is due</u>	<u>Documents containing initial (1), second (2), third (3), fourth (4), fifth (5), sixth (6), seventh (7), eighth (8), ninth (9), tenth (10), eleventh (11), twelfth (12) and thirteenth (13) periodic reports</u>	<u>Summary records of meetings at which those reports were considered</u>
Venezuela	5 January 1996	(1) CERD/C/R.3/Add.17 (2) CERD/C/R.30/Add.5 (3) CERD/C/R.70/Add.37 (4) CERD/C/R.90/Add.10 and Add.31 (5) CERD/C/66/Add.2 and Add.31 (6) CERD/C/66/Add.2 and Add.31 (7) CERD/C/91/Add.27 (8) CERD/C/118/Add.24 (9) CERD/C/149/Add.18 (10) CERD/C/263/Add.8 (11) CERD/C/263/Add.8 (12) CERD/C/263/Add.8 (13) CERD/C/263/Add.8	CERD/C/SR.44 and SR.56 CERD/C/SR.128 CERD/C/SR.251-252 CERD/C/SR.284 and SR.347 CERD/C/SR.468 and SR.532-533 CERD/C/SR.468 and SR.532-533 CERD/C/SR.608-609 CERD/C/SR.738-740 CERD/C/SR.834-835 Pending consideration " " " " " "
Yugoslavia (Serbia and Montenegro)	5 January 1996	(1) CERD/C/R.3/Add.27 (2) CERD/C/R.30/Add.22 (3) CERD/C/3 (4) CERD/C/R.90/Add.7 and CERD/C/6 (5) CERD/C/20/Add.27 (6) CERD/C/66/Add.26 (7) CERD/C/91/Add.22 (8) CERD/C/118/Add.23 (9) CERD/C/172/Add.9 (10) CERD/C/172/Add.9 (11) Not yet received (12) Not yet received (13) Not yet received	CERD/C/SR.45 and SR.56 CERD/C/SR.139 CERD/C/SR.237-238 CERD/C/SR.283-284 CERD/C/SR.422-423 CERD/C/SR.511-512 CERD/C/SR.604 CERD/C/SR.737-738 CERD/C/SR.874-875 CERD/C/SR.874-875 - - -



**International Convention
on the Elimination
of all Forms of
Racial Discrimination**

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ENGLISH
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COMMITTEE ON THE ELIMINATION
OF RACIAL DISCRIMINATION

CONSIDERATION OF REPORTS SUBMITTED BY STATES PARTIES
UNDER ARTICLE 9 OF THE CONVENTION

Fourteenth periodic reports of States parties due in 1996

Addendum

PANAMA

[1 March 1996]

* For the eighth and ninth periodic reports submitted by Panama and the summary records of the meetings of the Committee at which those reports were considered, see:

CERD/C/149/Add.4 (CERD/C/SR.790).

** The annexes are available for consultation in the files of the secretariat.

*** The information submitted by Panama in accordance with the consolidated guidelines concerning the initial part of reports of States parties is contained in the core document HRI/CORE/1/Add.14.

IMPLEMENTATION OF ARTICLES 2 TO 7 OF THE CONVENTION

Articles 2 and 5

1. It is the policy of the Government of the Republic of Panama to give consideration to the socio-economic situation of minority groups such as the indigenous population, immigrants and refugees, on the basis of the provisions of articles 2 and 5 of the Convention, through activities conducted by the various branches of Government. These activities are described below:

National Directorate of Local Governments

2. The Directorate, which was established by Act No. 1 of 1974, is responsible in particular for enforcing the laws, decrees, orders and programmes issued by the Executive Branch, guaranteeing the existence and development of municipalities, and implementing the administrative and criminal justice systems.

3. The Directorate is working hard to perform its tasks effectively, through various institution-building programmes, which include training in municipal administration and increasing municipal subsidies in order to ensure that the poorer municipalities in Panama will have technical and professional staff to provide a large number of organizations and committees with guidance in community development and social welfare, taking into account population, geographical location and economic development, as stipulated in article 230 of the Constitution.

4. These programmes include seminars intended for:

(a) District representatives, to provide follow-up on the proper management of aspects of public administration, correctional measures and their respective penalties, and technical aspects involving legal competence and authority;

(b) Members of provincial councils on administrative aspects of provincial councils' work, correct drafting of decisions, and exchange of views to minimize constitutionality problems with municipal decisions or orders;

(c) Municipal treasurers, accountants and auditors, aimed at analysing new tax system strategies and coordinating control and audit programmes to ensure the proper use of the municipalities' financial resources;

(d) Municipal inspectors and contractors, focusing on basic legal aspects of public obligations, the problem of elimination of solid waste (biodegradable and non-biodegradable), and basic municipal services (sewage, rubbish collection, electrification and ecological impact).

5. Mention should be made of the work of the National Commission on Administrative Boundaries, in response to various territorial cases involving boundary problems, particularly the demarcation of the indigenous comarca of Emberá, the boundaries of the indigenous comarca of Cuna Yala and Colón

province, and the demarcation of the indigenous comarca of Ngobé-Buglé, which is currently under negotiation. The Legislative Assembly has just enacted a law establishing the indigenous comarca of Madugandí.

6. The National Government is especially interested in harmonizing relations within the various communities by identifying difficulties in municipal structures with a view to effecting substantial social, political and economic changes in local governments.

Directorate-General for Community Development (DIGEDECOC)

7. Its legal basis is contained in the following instruments:

(a) Cabinet Decrees Nos. 147 of 3 June 1969, 222 of 16 July 1969, 290 of 27 August 1969 and 23 of 5 February 1990;

(b) Executive Decree No. 13 of 20 January 1986;

(c) Acts Nos. 102 of 30 December 1974 and 40 of 8 November 1984 and decisions Nos. 001/007 of 19 June 1986, 009 of 19 June 1986, 455 of 28 August 1989 and 003 of 10 September 1990.

8. As part of its objectives, tasks and responsibilities, the Directorate-General seeks to achieve community participation through organization, self-management and voluntary work, with a view to reducing marginality, increasing incomes, redressing regional socio-economic imbalances, reducing poverty levels, and raising public awareness of citizens' rights and duties and of their civil and political capacity to participate in decisions that may affect their interests or impede their development.

9. DIGEDECOC provides support for the promotion and performance of services offered by governmental, autonomous and private institutions, primarily in the areas of agrarian reform, public health, education, housing and related areas. It supplements the economic and financial resources for general programming with additional resources, primarily for infrastructure works and other activities, through the provision of materials, tools, equipment, concessions and technical assistance.

10. In this context, the programmes conducted are intended for the entire population without distinction as to race, colour, religion, descent or national or ethnic origin. These programmes include:

(a) Coordination, advisory assistance and organization for local governments. A total of 923 activities were undertaken for the benefit of 5,460 people in six provinces in Panama, as follows:

Advisory assistance to community boards	463
Advisory assistance to local boards	135
Advisory assistance to district mayors	173
Advisory assistance to municipal mayors	64

Coordination with municipal councils	86
Organization of local boards	2;

(b) Promotion and coordination of community production projects. Approximately 5,869 people have been covered by this programme. About 98 per cent of the programme was devoted to vegetable gardens in order to improve families' nutrition and introduce variety in eating habits, providing a balanced and nutritious diet for students with low incomes and encouraging the public to buy and eat low-cost foods;

(c) World Food Programme. Training in the construction of Lorena ovens; provision of food, training and community evaluation within the framework of WFP project No. 2796-01. Project No. 2436, entitled "Rural development for the rehabilitation of indigenous communities", was conducted in the province of Coclé, Chiriquí and Veraguas;

(d) International technical cooperation in programmes:

- (i) Food preservation development project;
- (ii) Establishment of APRONAVA micro-enterprise;
- (iii) Dairy products preservation in Vallerriquito, Los Santos province;
- (iv) Rural community development project;
- (v) Fishing cooperative on Isla Melones, for fishermen in the area of Veracruz, Panama province;
- (vi) Emberá Wounaan training centre project, Darien province. This project is being carried out under a tripartite agreement between the Spanish International Cooperation Agency, the comarca of Emberá Wounaan and DIGEDECOR, and consists of the construction of a centre for training in several areas - craftwork, carpentry, cabinet-making, including an accommodation area and workshops, all of which are available to the entire population without discrimination.

Forces of law and order

11. The legal basis for the forces of law and order lies in the Constitution, Act No. 20 of 29 September 1983, and Cabinet Decrees Nos. 38 of 10 February 1990 and 42 of 17 February 1990.

12. These forces are made up of four police services with separate and independent commands and grade structures, under the authority of the President of the Republic. The following three services are subordinate to the Ministry of the Interior and Justice:

(a) National Police, whose main function is to maintain law and order; ensure the security of individuals and property; prevent crime; pursue and apprehend offenders and place them at the disposal of the judicial authorities; protect and supervise, jointly with the armed forces of the United States, the Panama Canal areas; direct traffic and individuals on public thoroughfares; coordinate action with that of the other components of the forces of law and order in order to prevent and combat smuggling, drug-trafficking, illegal immigration, the international white slave trade and, generally speaking, any acts or actions that jeopardize national security;

(b) National Air Service, an institution that works with other State security bodies to coordinate air transport, in support of the Government's socio-economic development programmes, in search, rescue and evacuation operations in response to air, sea or natural disasters, and to combat crime in all its forms, including crimes against State security;

(c) National Coastguard. Panama, as a maritime nation, has developed a Coastguard Service for the protection and defence of maritime territory, which makes its presence felt in all jurisdictional and international waters in accordance with the agreements in force. Its functions are:

- (i) To provide a maritime transport service to remote areas inaccessible to other means of transport, in support of the Government's development programmes;
- (ii) To coordinate, together with public and private institutions, assistance, evacuation and rescue operations involving lives and property in regions affected by natural disasters;
- (iii) To prevent smuggling and drug-trafficking in the territorial sea;
- (iv) To combat pollution and illegal fishing in the territorial sea and ensure the conservation of maritime resources.

13. The Institutional Protection Service (SPI) is a police service that reports directly to the Office of the President.

14. Pursuant to the International Convention on the Elimination of All Forms of Racial Discrimination and in order to guarantee the objectives of these institutions, title III of our Constitution lays down individual and political rights and duties in articles 17, 18, 20, 21, 22, 27, 33, 34, 38 and in title XII, "forces of law and order", in articles 305, 306 and 307.

15. If a risk of foreign aggression exists the law provides for the temporary organization of special police services to protect the frontiers and territory of the Republic.

16. The President of the Republic is the chief of all the services provided for in this title, and the latter as instruments of the Government, are

subordinate to the civil authorities; consequently, they will execute orders issued by the national, provincial or municipal authorities in the exercise of their legal functions.

National Civil Defence System (SINAPROC)

17. This system was established by Act No. 22 of 15 November 1982, and is responsible for implementing measures, provisions and orders aimed at averting, eliminating or mitigating effects of the potential negative human action or nature on the lives and property of the community without distinction. It concludes emergency support agreements with the international community when necessary, recommends the declaration of a state of national emergency, and takes steps to provide the necessary funds and resources for meeting and dealing with the effects of disasters, so as to guarantee rapid, safe and effective intervention at the time of the disaster and thus minimize its effects.

National Directorate of Prisons

18. The Directorate's legal basis lies in Act No. 87 of 1 July 1941, Decree No. 467 of 1942 and the Constitution.

19. The National Directorate of Prisons administers three rehabilitation centres: El Renacer and the women's centres, in the provinces of Panama and Chiriquí; 2 penitentiaries, La Joya and Coiba; 6 prisons housing a sizeable population, La Modelo, La Chorrera, Colón, David, Penonomé and Santiago; and 38 prisons with medium-sized or small populations, housing an average of 6,650 inmates.

20. The following are the Directorate's responsibilities:

(a) To ensure that persons being held in penitentiaries or rehabilitation centres under the care of the State are detained in accordance with legislation in force and ensure the inmates' physical and mental security and reintegration into society;

(b) To evaluate and improve rehabilitation programmes for offenders;

(c) To ensure the prompt administration of justice for detainees;

(d) To administer the rehabilitation centres and maintain their equipment and buildings;

(e) To develop the expertise necessary for the diagnosis and treatment of prisoners;

(f) To conduct courses and seminars for the purpose of keeping prisoners occupied and helping them learn work that will provide them with skills and their family with an income;

(g) To rehabilitate women over 18 years of age who enter the Women's Rehabilitation Centre, in order that they may play a useful and productive role in society on completing their sentence.

21. With the aim of continuing the process of making prison conditions more humane, the so-called berlinas, or punishment cells, have been closed; inmates in various prisons have been granted conditional release or reduced sentences, in accordance with the powers vested in the Executive Branch by the provisions of the Penal Code giving effect to article 179 of the Constitution, which stipulates:

"Article 179. Functions that the President of the Republic shall exercise with the participation of the respective Minister are:

...

12. The order pardons for political offences, reduce penalties, and grant conditional release to persons guilty of ordinary offences".

22. Prison is aimed at the rehabilitation of offenders and their reintegration into society, as provided for in article 28 of the Constitution, which states:

"Article 28. The prison system is based on principles of security, rehabilitation and social defence. It is unlawful to apply measures which may harm inmates' physical, mental, or moral integrity.

An occupational training programme for prisoners shall be established, which should permit them to be usefully reintegrated into society.

Prisoners who are minors shall be governed by a special system of custody, protection and education."

23. In this connection, it should be noted that Panama, as a signatory of the international instrument that prohibits the ill-treatment of prisoners, according to a set of rules that are to be applied without discrimination of any kind, brings every effort to bear in order to improve conditions for persons deprived of their liberty, in keeping with articles 2 and 5 of the International Convention on the Elimination of All Forms of Racial Discrimination. A draft decree containing regulations for work permits for inmates is currently under consideration.

National Office for Refugee Matters (ONPAR)

24. The National Office for Refugee Matters is responsible for analysing, discussing and taking decisions on application for protection by citizens of foreign countries who are refugees or who consider themselves as such. The National Commission for Refugee Matters was established by Decree No. 100 of 6 July 1981, pursuant to Act No. 5 of 26 October 1977 approving the 1951 Convention relating to the Status of Refugees and the 1967 Protocol thereto. Subsequently, decision No. 461 of 9 October 1984 was issued, laying down regulations for the National Commission and establishing the National Office for Refugee Matters, a branch of the Ministry of the Interior and Justice. The National Commission holds four ordinary meetings a year to examine and

take decisions on requests for refugee status in accordance with the provisions of the 1951 Convention and 1967 Protocol, the legal implementing provisions and the conclusions of the Executive Committee of UNHCR.

25. The National Commission is made up of the Deputy Minister of the Interior and Justice, who chairs it, the Director for Migration, the Deputy Minister of Labour, the National Director of Employment, the Director of Foreign Policy, the Deputy Minister for Foreign Affairs, the Director of the National Red Cross and a representative of the National Police. ONPAR acts as Executive Secretary of the Commission and UNHCR as international representative.

26. The National Commission has considered requests for protection from 752 refugees and a further 69 are currently being considered at first instance or are under review or appeal.

27. The National Commission is organized in conformity with the International Convention and grants protection in accordance with its statutes, which are based on the guidelines set forth in the 1951 Convention relating to the Status of Refugees, to persons who, on grounds of race, religion, opinion, descent, colour or national or ethnic origin, politics or membership of a particular social group, are unable or unwilling to return to the countries which gave rise to the situation that caused them to leave in search of protection.

28. Refugees are given protection without discrimination and are guaranteed the right to equality before the law without distinction as to race, religion, colour, or national or ethnic origin, as set forth in article 5 of the International Convention on the Elimination of All Forms of Racial Discrimination. In addition, refugees are entitled freely to leave and return to the country, except in cases where they wish to travel to the country in which the situation that led to their need for protection arose.

29. As stipulated in article 7 of the International Convention on the Elimination of All Forms of Racial Discrimination and as regards the protection of refugees, Panama complies fully with the Charter of the United Nations, the Universal Declaration of Human Rights and the United Nations Declaration on the Elimination of All Forms of Racial Discrimination.

National Directorate for Indigenous Policy

30. This body was established by Act No. 18 of 1952, its main purpose being to provide support for the economic and social development of the indigenous communities, within the framework of the National Development Plan, while respecting their political and cultural values.

31. Its objectives are specifically to design and implement indigenous policy in accordance with the Development Plan, to establish mechanisms that will guarantee an indigenous government of the indigenous communities within the parameters laid down by the State and to establish international relations

with government and private agencies working to support and develop indigenous ethnic groups, in order to recommend and/or implement the technical achievements of those groups.

32. The National Government has given priority to the problem of indigenous peoples. The Directorate for Indigenous Policy has conducted a series of programmes that have included the following:

(a) Cuna Yala development project, submitted to the European Economic Community and divided into three subprojects: agriculture and advisory assistance in Rio Pito; agriculture and human settlements in Congandi; fish-farming (lobster and shad). This project will be of approximately three years' duration and will cost 800,000 balboas, with 115,000 balboas being provided by the Cunas in the form of labour; its purpose is to strengthen the Cunas' capacity to ensure the sustainable management of their territory;

(b) Through the Social Emergency Fund (FES), nutrition and drinking-water programmes and the Ngobé-Buglé rural project are being executed, at an approximate cost of \$14.1 million, financed by the Indigenous Fund for Agricultural Development (FIDA);

(c) Nutrition and food distribution programmes in indigenous areas, conducted by the Office of the First Lady of the Republic and the Directorate-General for Social Welfare (Ministry of Labour);

(d) The "Covenant with Children" programmes, which, through the Human Resources Training Institute (IFARHU), has granted fellowships for the Ngobé-Buglé indigenous areas.

33. The National Directorate for Indigenous Policy held a meeting with the Colombian-Panamanian Good Neighbourliness Commission in the city of Medellín, Colombia, at which the Sub-Commission on Indigenous Ethnic Groups undertook to:

(a) Recognize the control of the traditional authorities over their communities for the purpose of handling the constant migration of indigenous inhabitants in the area along the Colombian-Panamanian border;

(b) Ensure that indigenous populations are given frontier zone status and recognized as having dual nationality;

(c) Support the free trade which has been practised by the Cuna, Emberá and Wounaan groups;

(d) Seek recognition of the validity of the indigenous primary and secondary educational curriculum in the countries of the frontier zone;

(e) Recognize the participation of the indigenous communities, through their representative organizations, in the environmental and cultural impact studies being planned with a view to the possible opening of the Darien Gap. Pursuant to Act No. 27 of 13 December 1993, two instruments were approved: the Agreement establishing the Fund for the Development of the Indigenous

Peoples of Latin America and the Caribbean, and the Central American Ecological Proposal for the Summit Meeting of Presidents held in Miami. In addition, approval was given for the National Plan of Action for the World Summit for Social Development to be drafted.

34. Officials of the Directorate for Indigenous Policy met with the consultant of the United Nations Development Programme (UNDP) to discuss indigenous problems, especially the "Project for the Conservation of Biodiversity in Darién" and the "Model Project" for the creation of sustainable trade and social relations between indigenous organizations in North America and Latin America.

35. Through Executive Decree No. 206 of 8 May 1995, the Ministry of the Interior and Justice established the Intergovernmental Commission for the Development of the Ngobé-Buglé Region, which is responsible for drafting a bill establishing the comarca of Ngobé-Buglé. A Tripartite Commission for the implementation of the statute of the Emberá-Wounaan comarca was also established. The Act establishing the indigenous comarca of Madungandí was adopted by the Legislature and duly ratified and promulgated by the Executive (Act No. 24 of 12 January 1996).

36. Articles 84, 86, 120, 122 and 123 of the Constitution clearly establish the rights of peasants and indigenous inhabitants in our country, in accordance with the provisions of article 2 of the International Convention on the Elimination of All Forms of Racial Discrimination.

National Directorate for Migration and Naturalization

37. The objective of this agency, which was established by article 80 of Decree-Law No. 16 of 30 June 1960, as amended by Decree-Law No. 13 of 20 September 1965 and by the Act of 1980, is to monitor and control the migration of both foreigners and Panamanian citizens throughout the national territory, without distinction as to race.

Article 3

38. In conformity with article 4 of the Panamanian Constitution, which states that "The Republic of Panama abides by the rules of international law", the Government of Panama has ratified numerous international human rights conventions and, in particular, those that condemn racist practices and any form of racial discrimination. Pursuant to these obligations, numerous legislative, judicial and administrative measures have been adopted. For example, Book II, Title IX, Chapter III, of the Penal Code, relating to offences against the international community, in articles 311 and 312, provides as follows:

"Article 311. Anyone who participates in the total or partial destruction of a particular group of human beings, for reasons of their nationality, race or religious or political beliefs, shall be liable to imprisonment for a term of 15 to 20 years.

"Article 312. Anyone who recruits persons, accumulates weapons, performs other hostile acts not approved by the Government or carries out, within the territory of the Republic or abroad, acts against another State which expose Panama to the threat of war or to the severance of international relations shall be liable to imprisonment for a term of three to six years."

Articles 4 and 5

39. Where article 4 of the Convention is concerned, and in the light of the fundamental human rights enshrined in Panama's Constitution relating to freedom of expression, opinion and association, it may be asserted that in Panama individuals are free to express their opinions in writing or by any other means without censorship. The exercise of this right may give rise to legal liability if it entails real or alleged injury to the reputation or honour of individuals, the security of society or public order, as indicated in article 37 of the Constitution.

40. Where the mass media are concerned, it is also important to draw attention to the provisions of article 85 of the Constitution:

"Article 85. The mass media are instruments of information, education, entertainment, and dissemination of cultural and scientific knowledge.

When they are used for advertising or to disseminate propaganda, these must not be detrimental to the health, morals, education or cultural values of society or the national conscience. Their operation shall be regulated by law."

41. In accordance with Executive Decrees Nos. 155 of 28 May 1962 and 87-A of 3 April 1991 and Acts Nos. 36 of 17 October 1980 and 67 of 1978, the National Directorate for Communication regulates and supervises State policy towards the various media and provides a technical communications link in situations of national emergency during which it may be necessary to broadcast programmes and information to the public.

42. The Ministry of the Interior and Justice, acting through the National Censorship Board established by Cabinet Decree No. 251 of 6 August 1969, plays an important role in preserving moral standards by classifying and evaluating public entertainment events through an executive secretariat which coordinates this activity with the members of the auxiliary censorship board and district boards, with the aim of maintaining the moral standards of Panamanian citizens and other residents. The National Censorship Board is responsible for, and has as its purpose, the development of public awareness in order to preserve civic and moral values and thereby ensure the full development of children and young people. A bill providing for the establishment of a National Classification Board to take over from the National Censorship Board is currently under consideration.

43. It should be mentioned that specialized seminars have been held on the mass media. One of them concerned the appropriate means of disseminating and implementing the new Family Code, which was approved by Act No. 3 of 17 May 1994, Act No. 12 of 25 July 1994 and Act No. 4 of 20 January 1995.

The Code contains a number of articles (485, 501, 510, 520, 530, 564, 565, 575-578, 655, 661-663 and 676) relating to the media, their mission and their relationship with the welfare of the family unit.

44. For 10 years the Mass Media Research Centre has been publishing Syntagma, a specialized journal on the media, which has become the focal point for dialogue, data collection, case analysis and evaluation of developments in the world of the media. The various issues of the journal have focused on all aspects of human rights.

45. In conformity with article 4 of the Convention, where national or foreign publicity and propaganda are concerned the Commission on Advertising and Propaganda was set up by Decision No. 00615 of 30 April 1991. The Commission comprises representatives of the Ministry of Health and the Ministry of the Interior and Justice (Directorate for the Media). The Commission is responsible for vetting all advertisements connected with health, hygiene, food, alcoholic beverages and drugs in order to ensure the comprehensive protection of the physical, mental and social well-being of the population, without discrimination on grounds of race, colour or ethnic origin.

46. No charges or complaints have been lodged with the Ministry of the Interior and Justice concerning any kind of racial discrimination.

47. As regards the right of peaceful assembly and association, article 38 of the Panamanian Constitution stipulates:

"Article 38. The inhabitants of the Republic have the right to assemble peacefully without arms for lawful ends. Public demonstrations or gatherings in the open air do not require authorization. The only requirement for holding such gatherings is that the local administrative authorities should be notified 24 hours in advance.

The authorities may take police measures to prevent or restrain abuse of this right when the manner in which it is exercised causes, or may cause, disruption of traffic, a breach of the peace or violation of the rights of others."

48. The right to form associations is enshrined in article 39 of the Constitution, which reads:

"Article 39. The formation of companies, associations and foundations that are not contrary to morals or to the legal order is permitted. They may obtain recognition as juridical persons. No recognition shall be granted to associations based on ideas or theories propounding the so-called superiority of one race or ethnic group, or which justify or promote racial discrimination. The capacity, recognition and regulations of companies and other juridical persons shall be determined by Panamanian law."

49. The Ministry of the Interior and Justice is responsible for granting juridical personality to any association, without any form of discrimination,

providing it complies with the requirements of the law. In 1995, the Ministry recognized approximately 200 non-profit associations, to which it granted juridical personality.

50. In this connection, article 19 of the Constitution, as adopted in 1972 and amended by the Reform Acts of 1978 and the Constitutional Act of 1983, confirms the principle that "there shall be no personal privileges or distinctions or discrimination by reason of race, birth, social class, sex, religion or political ideas"; article 20 establishes the principle of equality before the law for Panamanians and aliens, subject to such restrictions and conditions as are laid down in that article.

51. The Constitution also contains a number of provisions to promote and safeguard the right to work without any exception. Thus, chapter 3, in Title III on "Work", and in particular articles 60, 61 and 63, stipulate as follows:

"Article 60: Work is a right and duty of the individual and accordingly the State has an obligation to devise economic policies intended to promote full employment and provide every worker with the conditions necessary for a decent existence.

"Article 61: Every worker in the service of the State, of public or private undertakings or of individuals shall be guaranteed a minimum wage or salary.

...

"Article 63: An equal wage or salary shall always be paid for equal work under identical conditions, regardless of who performs it, without distinction as to sex, nationality, age, race, social class or political or religious ideas."

52. The provisions contained in article 10 of the Labour Code guarantee the principle of equal wages. Equal work performed for the same employer, in the same job, for the same hours and under the same conditions of efficiency and length of service, carries an equal wage, which includes ordinary and special payments and such entitlements, gratuities, bonuses, services and any other amounts or payment in kind to which a worker is entitled by virtue of his employment.

53. In this connection, article 145 of the Labour Code stipulates that in cases of breach of the principle of equal wages or of activities for which no minimum wage has been determined, or if the remuneration is manifestly inequitable in comparison with the average wage for the industry or sector concerned, the worker affected may lodge an application, through summary proceedings, to determine the appropriate wage. The wage so determined shall apply from the time the ruling becomes enforceable.

54. The same article lays down effective means of redress in the event of a breach of the principle of equal wages or the minimum wage, or of unjust wages, consequently, the principles set forth in Panamanian labour law are no longer merely pie in the sky.

55. Discrimination on any of the grounds set out in article 388, paragraph 3, of the Labour Code also constitutes unfair practice detrimental to the rights of workers: they include dismissal, penalties, reprisals, transfer, demotion or discrimination in response to individual or collective claims, for organizing or belonging to a trade union or for having participated in a strike or signed a petition.

56. Act No. 44 of 12 August 1995 reformed the Labour Code in the light of the provisions of the Constitution and provided for the regularization and modernization of labour relations. The Act provides as follows:

"Article 1: This Code regulates relations between capital and labour on the basis of social justice, as expressed in the Constitution of the Republic, and shall determine State protection for the workers. The State shall intercede to promote full employment, to create the necessary conditions to ensure a decent existence for all workers ...".

57. In Title I of Book I, the Labour Code contains comprehensive provisions for the protection of labour, embodying measures to protect the work of Panamanians, the length of the working day and compulsory rest periods. Article 3 of Act No. 44 supersedes article 22 of Cabinet Decree No. 252 of 1971, and reads as follows:

"Article 22: The establishment and operation of private profit-making or non-profit-making employment agencies shall be authorized, provided they charge no fees to workers who make use of their services. The Executive shall regulate the operation of such agencies, taking into account the conventions of the International Labour Organization. The universities, vocational and technical colleges, and the Labour Foundation may establish non-profit-making employment exchanges to help future professionals to find employment. Such exchanges shall in particular help graduates to find employment in order to provide them with professional and technical experience."

58. Similarly, article 4 of Act No. 44 amended article 39, paragraph 1, of the Labour Code, under which every employer is required to allow his workers to take the normal rest period to restore their strength, in conformity with the following rules: "1. The working day shall include a rest period of not less than half an hour and not more than two hours. However, during night work or overlapping night and day work, the employer and the worker may agree to distribute such rest periods, without exceeding the limits of the corresponding working day, so as not to interrupt production".

59. Article 5 of Act No. 44 amended article 54-A of Cabinet Decree No. 252 of 1971, which stipulates that when a worker receives part of his wages in kind in accordance with the provisions of article 144, holiday pay in cash must be supplemented by the relevant payment in kind or its monetary equivalent, as established by article 144.

60. Article 6 of Act No. 44, which amended a paragraph of article 59 of Cabinet Decree No. 252 of 1971, is particularly noteworthy. It stipulates that if a worker has accumulated leave, he shall be entitled to minimum mandatory paid leave of 15 days during the first period, and shall carry

forward the other days for the second period. Similarly, article 7 of Act No. 44, replaced article 60 of Cabinet Decree No. 252 of 1971, stipulating that an employer may not initiate, adopt or inform an employee of any of the measures, penalties and actions provided for in the Code while the latter is unfit for work or is on leave, under pain of nullity. For these purposes, the time-limits for lapse and prescription are suspended during these periods.

61. Article 14 of Act No. 44 stipulates that any female worker who is pregnant shall be entitled to compulsory leave for six weeks prior to the birth and eight following the birth during which she shall receive her normal wages. In no circumstances may the period of leave be less than 14 weeks, but if the birth is overdue the worker shall still be entitled to 8 weeks' paid leave following the birth. The employer shall make up the difference between the maternity allowance provided by the Social Security Fund and the remuneration to which the pregnant worker is entitled under this article. If the Social Security Fund is not required to pay a maternity allowance, the obligation arising from this article shall be borne in toto by the employer.

62. The Executive is authorized to issue regulations pursuant to this article, establishing leave periods shorter than those provided for therein in the case of activities and occupations whose characteristics so require. In such cases the provisions of the previous paragraph shall also apply. During the leave period referred to in this article, the employer may not initiate, adopt or inform the worker of any of the measures, penalties and actions provided for in the Code under pain of nullity. For these purposes, the time-limits for lapse and prescription established for the benefit of the employer shall be suspended during this period.

63. Book I, Title III, of the Code lays down special provisions for the protection of labour relating to the hiring of Panamanians to work abroad and for the employment of women and minors.

64. It should be emphasized that, as specified in article 2, the provisions of the Code are a matter of public policy and are mandatory for any natural or legal persons, undertakings, operations and establishments which are located or establish themselves on the national territory. Consequently, aliens who perform services in Panama are subject to the labour regulations.

65. As regards protection against unemployment, as has already been noted, in the late 1980s Panama went through a serious political crisis, which was accompanied by a similar economic crisis. This had a number of detrimental effects on all aspects of the labour market.

66. These developments were aggravated by the events of December 1989, as the invasion of Panama by the United States led to the looting of almost all commercial establishments and disruption of a considerable proportion of services in Panama City and Colón, where over half of the country's economic activities are concentrated. This led to unprecedented levels of unemployment as a result of the unforeseen and almost total closure of the commercial establishments in those cities. In January 1990 the rate of overt unemployment was 35 per cent.

67. In order to address this exceptional situation, the Government, and more particularly the Ministry of Labour and Social Welfare, focused all efforts on attempting to conclude satisfactory labour agreements between employers and employees with the aim of facilitating the rapid reopening of commercial and service establishments and providing new employment for workers who had lost their jobs. As a result of the joint efforts of the public and private sectors, the rate of overt unemployment fell to 13.8 per cent in 1994.

68. The agreements placed particular emphasis on preserving the fundamental guarantees provided by Panama's labour legislation and ensuring that all workers who had been employed in companies at the outbreak of hostilities were given an opportunity to find employment, regardless of their seniority, sex, race or occupation.

69. In this connection, Act No. 44 of 12 August 1995 modernized labour relations, taking into account the experience gained during the crisis of 1987-1990, in order to avert job losses and normalize labour relations during times of serious national economic crisis.

70. An illustration of this new approach is provided by the new article 159 of the Labour Code, pursuant to which the agreed wage may not be reduced on any account, even with the consent of the employee. However, in a serious national economic crisis, after a fortuitous event or in cases of force majeure, duly verified by the labour authorities, which jeopardizes the existence of a source of employment, the corresponding working hours or working week may be temporarily modified or reduced, with the consent of the trade union organization, or of the workers where there is no trade union, provided agreement is reached on the gradual restoration of the working day to its pre-crisis length. In such circumstances, the State will cooperate with the workers and employers in order to mitigate the effects of the crisis.

The right to form and join trade unions

71. Where this right is concerned, Title III of the Constitution, which sets out the rights and duties of individuals and society, recognizes, in article 64 of chapter 3 relating to "Work" on the right of workers, employers and members of all the professions to form trade unions. The article reads as follows:

"Article 64: The right of employers, employees and members of all the professions to form trade unions in order to further their economic and social activity is recognized. The Executive shall have a non-renewable period of 30 days in which to accept or reject the registration of a trade union. Recognition by the Executive of trade unions, whose juridical personality shall be determined upon registration, shall be regulated by law.

The Executive may not disband a trade union unless it has permanently deviated from its purpose, and after having been declared competent to do so by a final judgement ...".

72. Article 334 of the Labour Code, Title I on the right to form trade unions, Book III, chapter I stipulates:

"Article 334: The establishment of trade unions shall be declared to be in the public interest, as an effective means of promoting Panama's economic and social development, popular culture and Panamanian democracy".

73. In this connection, article 335 provides that employees, professionals and employers of any occupation, profession or activity may form and join trade unions without need for authorization.

74. In conformity with the conventions and recommendations of the International Labour Organization, measures are being taken to expedite the registration of social organizations and to achieve greater trade union autonomy. In this regard, in its section on collective agreements, the current Labour Code provides for the possibility for labour relations to be determined in their entirety by mutual agreement between employers and employees. They may also determine the duration of agreements and amend them by mutual consent while they are in force.

75. The Labour Code undoubtedly favours the interests of trade unions. It proclaims and expresses the principle that the purpose of trade unions is to improve the working conditions of their members. This principle is set out in article 357, paragraph 1, as their primary function. It should be noted that paragraph 2 of the same article not only authorizes collective agreements as a means of entering into labour contracts but requires employers to conclude them with trade unions whose members provide them with their services. This requirement is clearly set out in article 401.

76. Section 3 of the Labour Code (arts. 388 and 389) regulates the concept of unfair practices. Such practices include deliberate violation of trade union privileges. In other words, if an employer who is aware of the existence of trade union privileges dismisses an employee without complying with the legal formalities, he is liable to a fine of 100 to 2,000 balboas, depending on the seriousness of the circumstances. The fines are doubled for each successive offence by the employer, and are imposed by the administrative authorities or the labour courts, without prejudice to the reinstatement of the employee and payment of his unpaid wages.

77. Article 388, relating to penalties for unfair practices, identifies the following practices as unfair to the interests of trade unionism and the rights of workers:

- (a) The drawing-up of blacklists;
- (b) Ill-treatment of workers;
- (c) Dismissals, penalties, reprisals, transfers, demotion or discrimination in response to individual or collective demands, for organizing or belonging to a trade union, or for having participated in a strike or signed a petition;
- (d) Knowingly dismissing one or more workers who are protected by trade union privileges;

(e) Interference by employers with the aim of organizing or taking control of trade unions or inducing workers to leave or not join a union;

(f) Giving or offering money to a workers' social organization, except as provided for by law or by a collective labour agreement, in which case the money must be intended for housing or other social welfare programmes for the benefit of workers;

(g) The dismissal or demotion of a number of unionized permanent employees in a manner which changes, to their detriment, the ratio within the firm, of unionized to non-unionized personnel or personnel belonging to another union, unless the reasons for the dismissals or the change of ratio have been previously justified before the labour tribunals. This rule shall apply even when the dismissals are not effected simultaneously;

(h) In the cases covered by paragraph (g) of this article, the dismissed workers shall be entitled to reinstatement and to payment of their unpaid wages. This provision shall only apply to workers whose dismissal occurred not more than three months before the date on which the claim was lodged. Any disputes over the application of this provision shall be dealt with through the abridged procedure.

Cases

78. Memorandum submitted by the Government of Panama, in conformity with the provisions of article 22 of the Constitution of the International Labour Organization (ILO), concerning measures taken to ensure the effective implementation of the provisions of Convention No. 111 (Discrimination in respect of employment and occupation) of 1958, which Panama has ratified. The Government of Panama provided the following reply to the direct request submitted by the ILO Commission of Experts on implementation of the Convention:

"Period: 31 October 1989 to 30 June 1990"

A. Regarding the communication from the Association of Odontologists and Allied Professions of the Social Security Fund (AMOACSS), dated 23 October 1989, concerning the dismissals of health workers pursuant to Decree-Law No. 3 of 9 October 1989, we wish to inform you that in note No. DM-283-90, dated 12 March 1990, the new Government submitted its observations on the questions raised by AMOACSS. The note reported that following the formation of the new Government the dismissed health workers had been reinstated, thereby solving the problem satisfactorily.

B. As to the measures taken to remove obstacles to the effective realization of the principle of equality contained in the agreement on the Canal Zone, we wish to inform you that no significant progress has been made. The observations made in the document entitled 'Labour discrimination under Public Law 96-70', are still valid as the Law remains in force.

However, it should be mentioned that during the period October 1988-December 1989, the Government of the United States of America committed other kinds of violations which constituted discrimination in the labour sphere, as a result of the crisis at that time between the Governments of Panama and the United States. The most significant violations were the following:

1. Authorizing the employees of the Canal Commission to make purchases in the military stores and commissaries, even though this right had lapsed on 1 October 1984, pursuant to the provisions of article 13, paragraph 3, of the Agreed Minute on the Implementation of article III of the Panama Canal Treaty.
2. Refusal by the Government of the United States to transfer to the Government of Panama the amounts corresponding to the payment of income tax and educational social security for the Panamanian employees of the Canal Commission, thereby violating the agreement on the deduction of Panamanian income tax due on remuneration paid to Panamanian employees in the Canal Zone and on the Canal, the railway and auxiliary works, concluded by an exchange of notes signed in Panama on 12 and 30 August 1963, and the agreement relating to the deduction of educational social security tax on wages paid to specific employees of the Canal Zone, concluded by an exchange of notes signed in Panama on 8 September and 13 October 1972. This situation was regularized in 1990.

However, in January 1990 relations between Panama and the Government of the United States entered a new phase. This was attributable to the objectives set by the Board of Directors of the Panama Canal Commission for the remaining 10 years of the 1977 Torrijos-Carter Treaty. One of the main objectives is to take all the measures necessary to ensure that the transition period goes smoothly and without any problems; it is therefore to be hoped that all these problems of discrimination on grounds of employment and occupation will be overcome, and that the two Governments will thus faithfully comply with both the 1977 Panama Canal Treaty and the relevant ILO Convention.

In order to implement the above, the Panama Canal Commission has reactivated the Committee, to which our Government will apply in the first instance to seek redress for all the cases of discrimination which Panama has systematically reported to ILO.

Period: 30 June 1990 to 1 July 1992

A. Regarding discrimination in terms of employment and occupation within the Canal Commission, and as part of a new phase in relations between Panama and the United States Government, we wish to report that in connection with the Tauzin-Field Bill, submitted to the United States Congress to amend Public Law No. 96-70, the Government of Panama, through the Ministry of Foreign Affairs, sent to the United States Ambassador in Panama note No. AJ-57, dated 9 April 1992, containing the observations and recommendations that Panama believed it was necessary to adopt in order to eliminate the friction arising from Law No. 96-70.

The Bill in question is still pending before the United States Congress. We shall keep you informed of the results of this action and of any progress made.

B. As to the measures taken to protect female workers against acts of sexual harassment in the workplace, we wish to inform you that article 128, paragraph 6, of the Labour Code stipulates as follows:

'Article 128: Employers shall have the following obligations, in addition to their specific contractual obligations:

To prevent:

...

(4) Immoral conduct by employees at work;

...

(13) Any act by the employer, or by his representatives, whose purpose is to induce employees to commit an unlawful or immoral act or an act that is contrary to their political or religious beliefs.'

C. Regarding the measures taken to promote in practice equal opportunities for women in employment, the Ministry of Labour and Social Welfare, through the Directorate-General for Employment (ILO/PREALC/UNDP), has been implementing programmes to promote the employment of women in Panama. In this context, several months' consultancy services have been provided in order to design a programme of employment for female heads of household.

In connection with this project, the Directorate-General for Employment has proposed a pilot programme for the creation of permanent employment, in which women workers will play a major role, through the scientific development of the private productive potential of Panamanian labour. The proposal's basic premise is that joint State and non-governmental participation is a decisive factor in the development and implementation of solutions.

Acknowledgement of this fact made it important to ensure the participation of the Panamanian National Federation of Businesswomen and Professional Women in implementing a specific programme to create stable employment for women, with the basic objective of helping to improve the living and working conditions of Panamanian women and their families.

In this connection, in order to strengthen its institutional capacity and ability to implement the programme, PREALC/ILO employed a consultancy firm specializing in women's employment to design and implement job-creation programmes and projects for women.

The consultancy led to the preparation of an institutional diagnosis, guidelines for a methodology for the design of job-creation project profiles for women in Panama, and guidelines for formulating

job-creation programmes for women to be implemented by the Panamanian National Federation of Businesswomen and Professional Women. These documents set out a number of criteria for determining priorities for action, the basic premises of the programme and strategies to ensure its success, together with a proposed organization chart for putting the programme's guidelines into practice.

This job-creation programme for women is to focus its efforts on women with employment problems (unemployed and underemployed women), and in particular women who fall into at least three of the following categories:

1. Heads of households living in poverty, with family responsibilities (children, parents and others), who account for just over half of poor households;
2. Housewives (who comprise 48.7 per cent of the economically active population (EAP) and 12.2 per cent of the total population) provided they wish to enter the labour market;
3. Women living in rural areas where there are economic activities capable of providing them with work on favourable terms;
4. Women aged between 20 and 39, who make up 62.6 per cent of the EAP and 72 per cent of unemployed women;
5. Women without their own income or whose income is below the current legal minimum wage.

It should be emphasized that the proposed programme is characterized by, and draws its strength from, the following features:

1. It is a programme rather than a number of isolated actions;
2. It is a programme with a high social-development content;
3. It operates on the basis of three duly interconnected components: training, technical assistance and funding;
4. It takes into account the specific circumstances of women;
5. It is a flexible programme capable of detecting new needs and situations;
6. It is of an inter-agency character;
7. It lays the foundations for its financial self-sufficiency;
8. It has a multiplier effect;
9. It will have a decisive social impact.

The implementation of the programme will to a large extent promote equal employment opportunities for women.

Period: 1 July 1992 to 1 March 1995

A. Where working conditions in the Canal Zone are concerned, the Government of the United States has adopted a Law under which certain categories of Panamanian employees of the Panama Canal Commission are entitled to perform certain activities within Panamanian government institutions, which used to be prohibited under the emoluments clause of the United States Constitution. This exemption allows Panamanian employees of the Commission to make a valuable contribution to their communities by working as teachers, firemen, health professionals, consultants and technical experts in public-service institutions.

With regard to the amendments to Public Law No. 96-70, the Board of Directors of the Panama Canal Commission requested a study, on the basis of which it submitted recommendations to the President of the United States. The purpose of these recommendations is to bring about changes in the management and financial structure of the Commission so as to facilitate and enhance the operation of the Canal through an autonomous entity under the authority of the Government of Panama after its transfer on 31 December 1999.

Following a review by various United States government agencies (Office of Administration and Budget, Department of Justice and Department of Defense), in April 1994 President Clinton submitted his recommendations to Congress in Bill H.R. 5229, which is due to be debated during the current year.

The suggested changes include the following:

1. The reorganization of the Panama Canal Commission as a public corporation, commercially-oriented and with flexible operation;
2. Maintenance of the right of the Board of Directors to elect its Chairman from among its members. It is also recommended that those United States members who are not officials of the United States Government should be appointed by the President of the United States, without need for them to represent specific economic interests or groups, as is currently required by the law;
3. The Presidents of the United States of America and the Republic of Panama may appoint an international adviser from a third country to participate in meetings of the Board of Directors, with the right to speak but not to vote, in order to give the Board an international outlook;
4. The Board of Directors (composed of United States and Panamanian citizens) is to be vested with greater authority in matters relating to the policy of the undertaking, in order to facilitate the transfer. It will also be empowered to hire external auditors and to authorize changes in tolls;

5. The regulations applicable to the Canal Agency will be revised following a study, to ensure that it operates in conformity with standards of commercial efficiency and that the regulations meet the needs of the transition period;
6. A liquidation fund is established to meet the liabilities of the United States and an annual certificate is to be issued to the Canal Commission for the liquidation of debts.
8. Regarding sexual harassment in the workplace, the Government of Panama provides support to non-governmental organizations to assist them in drawing up specific legal measures to protect workers against acts of sexual harassment. The Ministry of Labour and Social Welfare through the Directorate-General for Social Welfare, provides technical support and grants, and coordinates their activities.

As to measures to ensure that workers are not forced to give up their job in order to escape sexual harassment, article 223, paragraph (13), of the Panamanian Labour Code, relating to unfair dismissal upholds the right of workers to resign from their jobs with due cause and with the right to compensation and prohibits employers from committing immoral acts."

ILO Conventions relating to racism

79. Panama has ratified the following Conventions:

Convention No. 19: Equality of Treatment (Accident Compensation) Convention, 1925, ratified by Cabinet Decree No. 164 of 4 June 1970, date of registration with ILO: 19 June 1970;

Convention No. 29: Forced Labour Convention, 1930, ratified by Act No. 23, of 1 February 1966, date of registration with ILO: 19 May 1966;

Convention No. 86: Contracts of Employment (Indigenous Workers) Convention, 1947, ratified by Cabinet Decree No. 178 of 4 June 1970, date of registration with ILO: 19 June 1970;

Convention No. 87: Freedom of Association and Protection of the Right to Organize Convention, 1948, ratified by Act No. 45 of 2 February 1967, date of registration with ILO, 19 June 1970;

Convention No. 95: Protection of Wages Convention, 1949, ratified by Cabinet Decree No. 18 of 4 June 1970, date of registration with ILO, 16 May 1966;

Convention No. 98: Right to Organize and Collective Bargaining Convention, 1949, ratified by Act No. 23 of 1 February 1966, date of registration with ILO, 16 May 1966;

Convention No. 105: Abolition of Forced Labour Convention, 1957, ratified by Cabinet Decree No. 53 of 26 February 1971, date of registration with ILO, 4 June 1971;

Convention No. 107: Indigenous and Tribal Populations Convention, 1957, ratified by Cabinet Decree No. 53 of 26 February 1971, date of registration with ILO, 4 June 1970;

Convention No. 111: Discrimination (Employment and Occupation) Convention, 1958, ratified by Act No. 23 of 1 February 1966, date of registration with ILO, 16 May 1966;

Convention No. 159: Vocational Rehabilitation and Employment (Disabled Persons) Convention, 1983, ratified by Act No. 18 of 8 November 1993.

Article 7

80. Pursuant to the responsibilities established by law in the social and educational fields and the international agreements on human rights education, in the last five years the Ministry of Education, in its capacity as the Panamanian education system's standard-setting body, has initiated and developed specific measures in the fields of legislation concerning education, curriculum review and teacher-training in human rights. The National Commission to Promote Human Rights Education and Learning, whose activities are coordinated by the Directorate-General for Education, was specially established to promote strategies for the dissemination, implementation and practice of human rights and education for peace within the formal education system.

Teaching and education

81. The Commission to Promote Human Rights Education and Learning in all Panama's State and private educational establishments was set up by Decision No. 2701 of 14 September 1990, pursuant to Act No. 2 of 30 January 1984, whereby the systematic study of human rights was incorporated into the national education system.

82. The Commission comprises the Directorate-General for Education, which coordinates its activities, the Curriculum Directorate, the Legal Adviser's Office, the Public Relations and Information Office, representatives of civic associations, teachers' associations, local human rights commissions and the Church's education commission. Its main functions include:

- (a) Preparation of diagnoses, for each level of education;
- (b) Formulation of human rights education projects;
- (c) Coordination and support for human rights educational activities;
- (d) Assessment of results;
- (e) Preparation of documents and reports;
- (f) Dissemination of results;
- (g) Others.

83. The following actions were carried out in the period 1990-1996 to combat, through education, prejudices that give rise to racial discrimination:

1990:

Human rights seminar with technical assistance from the Inter-American Institute of Human Rights (IIDH);

Establishment of the Commission for Human Rights Education and Learning, following a recommendation by participants in the above seminar;

Seminar-workshop on education for peace;

1991:

Seminar-workshop on the implementation of human rights in the school curriculum, teaching and text books, intended for educational specialists;

Training for 100 teachers through seminar-workshops on putting human rights into practice in teaching and learning;

Preparation of a study on the contribution by national institutions, organizations and associations belonging to the Commission to Promote Human Rights Education and Learning. The study comprises the following:

Background to human rights;

Background (historical, philosophical, legal, psychological and pedagogical);

International agreements and declarations;

Contributions by member institutions of the Commission;

Study of the content of subject syllabuses at the primary and secondary levels of education in order to determine the scope and sequence of human rights issues;

1992:

Design, execution and processing of a survey among 1,130 primary and secondary teachers on the state of human rights education at the pre-primary, primary and intermediate levels;

Preparation of the preliminary report on the survey;

Training for 100 teachers on the topic "Putting human rights into practice in the teaching and learning process", in conjunction with the Panamanian Human Rights Committee; cooperation in organizing the first National Symposium on Human Rights and Education for Peace, sponsored by the University for Peace and the Panamanian Human Rights Committee, April, May and June 1992;

1993:

Participation in the Central American Seminar-Workshop on formal human rights education, organized by IIDH in Guatemala;

Second consultative meeting of national commissions on human rights and education for peace, San José, Costa Rica;

Workshop on experience in human rights education, IIDH, San José, Costa Rica;

National workshop on human rights and education, organized by the Commission under the auspices of the project to mobilize support for major education campaigns for all in Panama, UNDP/UNESCO/PAN/92/001;

Signing of the technical cooperation agreement between the Ministry of Education (MINEDUC) and IIDH;

1994:

Cooperation and liaison with the Panamanian Human Rights Committee and MINEDUC in the organization of the First Panamanian Boys' and Girls' Mini-Summit, held on 28 and 29 January 1994, in the Portobelo Room of the ATLAPA Convention Centre. The Mini-Summit was part of the programme to promote the Convention and Declaration on the Rights of the Child. It was attended by approximately 95 children aged from 7 to 18. Provision was made for disabled children to take part. Its purpose was to arouse civic and democratic awareness in boys and girls in order to enhance, develop and ensure the durability of Panamanian democracy;

Cooperation and liaison with the Panamanian Human Rights Committee in connection with the "Development of the rights of the child as part of the first drawing competition on the subject of human rights". A total of 500 children took part nationwide. The purpose of the competition was to increase knowledge of the rights of the child and to enhance children's drawing skills in connection with the theme of their rights;

Preparation of Panama's report on the occasion of the 44th meeting of the International Conference on Education, held in Geneva in October 1994. This document, entitled "Overview and Prospects for Education with a view to International Understanding", covers education policy guidelines, educational principles, education in human rights and democracy, and the training of education personnel for international understanding;

Participation by Panama in the Subregional Workshop to exchange experience and material relating to human rights education.

Projects:

UNESCO/DANIDA (Danish International Development Agency) project No. 510/RLA/10 in connection with the "Human Rights Education in the Central American Isthmus" programme. The purpose of the project was to exchange

experience and to update information on the situation of human rights education programmes and to promote an exchange of experience and information on teacher training;

"Children and democracy project" entitled "Study of the democratic process with the participation of boys and girls from Bocas del Toro, Chiriquí, Veraguas, Coclé, Herrera, Los Santos, Colón, Panama City and Kuna Yala Comarca". This project was sponsored by MINEDUC, La Prensa newspaper and UNICEF. The study, conducted by boys and girls, was carried out in David (Parque Van Kleeef), Santiago (El Canadá auxiliary school) and Panama City (Herrera Obaldía vocational school). The project covered 725 primary schools with 15,000 registered pupils. It led to the production of a 25-minute video entitled "Childhood and democracy";

Presentation of Module No. 1 entitled "The foundations of human rights", as part of the project to mobilize support for major education campaigns for all in Panama. A brochure sponsored by MINEDUC, UNDP, the Social Training Centre and UNESCO was published with the aim of fostering an understanding of fundamental human rights concepts. Panama City, March 1994, publication of 500 brochures;

One-day working seminar on "The teaching of human rights" and "How to teach human rights", held for the staff of the various offices and departments of MINEDUC. Purpose: to exchange theoretical and practical experience on human rights education. Dates: 25, 26 and 27 April 1994;

Seminar-workshop on human rights and education for teachers of geography, history, civic education and public administration in intermediate schools. The seminar was organized by the National Department of Education, the Department of Further Education for Teachers and the Department of Secondary Education, and sponsored by UNESCO, UNICEF and IIDH. It covered 15 schools and was attended by 30 teachers. The central topic was the use of the Institute's teaching materials. Its purpose was to train teachers in human rights education and to form an outreach team;

Coordination with UNESCO to organize working seminars on human rights education in UNESCO associated schools (total of 10 schools and colleges);

Circulars were sent to schools and to the provincial and regional directorates concerning the celebration of Human Rights Day on 10 December. Six hundred posters were sent to all parts of Panama.

Activities planned:

Updating and implementation of Act No. 47 (Education Organization Act) of 1946, and in particular the proposal contained in article 145 concerning the inclusion of human rights as a core subject of the curriculum;

Strengthening of methods used to prepare modules or teaching guides for human rights education;

Renewal of the MINEDUC-IIDH agreement;

Preparation of the five-year plan for human rights education and application for international funding as part of the United Nations Decade for Human Rights Education (1995-2004);

1995-1996:

In Panama City in March 1995, Mr. Pablo A. Thalassinós, Minister of Education, and the Executive Director of IIDH signed an addendum to the existing technical cooperation agreement between the two institutions in order to strengthen and expand planning and curriculum design in relation to human rights education. Under article 3 of the addendum, the agreement is extended for a further two-year period. Under the MINEDUC-IIDH agreement, 50 folders containing valuable bibliographic information and information on methods to be used in human rights education (teaching guides) were provided; they were used as a basis for two training seminars for social science teachers from 25 technical colleges, who now constitute the first network of human rights outreach workers in schools. The agreement also made it possible for Ms. Mágdala Velázquez, a consultant with IIDH, to provide technical advisory services. She revised the plan of action for the United Nations Decade for Human Rights Education, the human rights teaching and promotion project, and held a one-day training seminar for teachers and students from two school districts belonging to the Youth Sub-Commission on Human Rights (Chiriquí and Panama City).

An agreement on civic electoral education was concluded between MINEDUC and the Panamanian Electoral Tribunal with the aim of fostering democracy among young Panamanians through education and the social studies, civic education and public administration syllabuses, and by promoting and organizing student governments which operate as cultural associations in schools.

The Commission to Promote Human Rights Teaching within formal education was reorganized as a non-governmental organization pursuant to Act No. 2 of 1984. The Commission's activities are coordinated by the Directorate-General for Education. Five projects have been organized in conjunction with this NGO as part of the plan of action for the Decade.

The signing of Act No. 34 of 6 July 1995 led to the incorporation of human rights as a core subject in the curriculum (art. 145). In this connection, the National Coordinating Council for Human Rights Education has carried out the following activities:

Revision of the content of the curriculum for each grade and level;

Preparation of a syllabus showing the human rights content of subjects taught in primary and secondary schools;

Seminar-workshop entitled "Human rights at school" with support from the UNESCO-DANIDA project, in the course of which a diagnosis was carried out and proposals were made regarding the curriculum for human rights teaching. This research was conducted under the technical responsibility of the Centre for Outreach Workers and UNESCO;

The community project entitled "Tolerance and education for democracy, human rights, peace and development" was initiated as part of the United Nations Year for Tolerance (1995) and with the support of UNESCO and the Celestín Freineth Institute. The first phase of the project consisted of five training modules for teaching staff from 13 schools in the Special District of San Miguelito, where considerable problems of intolerance had been identified. The aim of the project is to draw up a theoretical, methodological and practical proposal on how to teach pupils tolerance through the participation of the educational community, thereby enriching Panamanian teaching practices and enhancing democratic coexistence. The project will be of five years duration.



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CONSIDERATION OF REPORTS SUBMITTED BY STATES PARTIES UNDER
ARTICLE 9 OF THE CONVENTION

Fourteenth periodic reports of States parties due in 1996

Addendum

SWAZILAND*

[1 March 1996]

I. GENERAL INFORMATION

1. The Kingdom of Swaziland, with an area of just over 17,000 square kilometres, is the smallest country in the southern hemisphere. It is bordered by Mozambique in the east and South Africa in the north, west and south.

2. The people are of Nguni descent having emigrated from central Africa many centuries ago and eventually, during the mid-eighteenth century, settled in an area which is now Swaziland. The latest available figures reveal a population of around 851,000, based on projections from the 1986 census, of whom

* The present document contains the fourth to fourteenth periodic reports consolidated in one document which were due on 6 May 1976, 1978, 1980, 1982, 1984, 1986, 1988, 1990, 1992, 1994 and 1996. For the third periodic report on Swaziland, and the summary records of the meetings at which the Committee considered it, see documents CERD/C/R.70/Add.10 and CERD/C/SR.205 and SR.921.

90 per cent are Swazis, 8 per cent Zulus and Tongas and 2 per cent Europeans. Swaziland is predominantly Christian with 60 per cent of the population Christian and the remaining 40 per cent belonging to traditional African religions.

3. Swaziland has been a monarchy ever since the Nguni people entered the territory. The present monarch, King Mswati III ascended the throne in 1986 at the age of 18, succeeding his father, King Sobhuza II. Swaziland is a former British protectorate, a status it retained until independence in 1968. Even after independence the monarch remained firmly entrenched, promoting the country's stability and peaceful climate while ensuring that the cultural heritage is safeguarded as Swaziland develops.

4. Until 1973, Swaziland's Constitution was Westminster based. This was revoked and replaced with a system designed to facilitate the practice of both Western and traditional styles of government. This structure, which incorporates the system known as Tinkhundla, provides for the people to elect their representatives from a choice of candidates to be their parliamentary representatives for a specific constituency. Executive authority is vested in the King who delegates as necessary and consults with the Cabinet, which is headed by the Prime Minister, and the bicameral parliament. These aspects comprise the Western style of government.

5. Swaziland's legal system operates on a dual basis comprising both traditional Swazi national courts as well as constitutional courts. The latter practise Roman-Dutch law and comprise a High Court with various magistrates courts and an industrial court. These are headed by a Chief Justice under whom fall judges and magistrates.

6. It is important to note that the constitutional courts have the final ruling in the event of any contention arising between the two legal systems.

II. INFORMATION RELATING TO ARTICLES 2 TO 7 OF THE CONVENTION

7. The Race Relations Act 6/1962 was enacted to prevent and discourage any act of discrimination by any person against any other group of persons based solely on race or colour. Section 3 provides that, "During the hours that any premises are open in respect of business carried on therein the proprietor of such business shall not practise any racial discrimination or cause or permit it to be practised by any of his servants or agents on such premises". In the event of a contravention of the above section the law requires that a complaint be lodged with the District Commissioner/Regional Administrator and such a complaint shall be in writing.

8. Section 4 (3) calls upon the above-referred to authority to cause a copy of the complaint to be served on the respondent and call the parties to a meeting in an effort to promote reconciliation. If reconciliation fails, the District Commissioner/Regional Administrator shall issue a certificate stating in detail the nature of the complaint and that efforts towards reconciliation have failed. On receipt of such certificate the court has to consider the record of the proceedings from which such further complaint arose and after hearing such additional evidence as it or the parties may deem necessary, and if the court finds that the respondent has contravened the provisions of

section 3, it may either caution or impose a fine not exceeding 100 emalangeni for a first offender. Second offenders may be subject to a caution or a fine not exceeding 200 emalangeni.

9. The court may further endorse any licence held by the respondent and further notify in writing the licensing authority of the fact and date of endorsement. If a court orders a fine to be paid by the respondent and such is not paid within the time stipulated by it, such order can be enforced as if it were a civil judgement given in such a court in favour of Government. The respondent has a right to appeal to the High Court against a judgement of a court and the decision of the High Court on any appeal shall be final.

10. Section 12 further creates certain offenses which may be committed within scheduled premises. It states as follows:

"Any person shall be guilty of an offence and liable on conviction to a fine not exceeding two hundred Emalangeni or imprisonment for a term not exceeding one year or both, if he -

(a) Acts in any scheduled premises in an insulting, provocative or offensive manner towards any person of a different race or colour, or

(b) Incites or endeavours to incite any other person to act in such a manner as aforesaid"

Contravention of this section was normal in the years following independence when Europeans would use racial slurs against Africans. The courts dealt with such incidents in a manner that eventually stopped it completely. Due to the presence of this act discrimination on the grounds of race or colour is now unheard of in Swaziland. It should be noted that Cabinet has since decided to effect some amendments to this piece of legislation in order to address new forms of discrimination and for it to address all the relevant issues addressed by the Convention.

11. There are also supplementary pieces of legislation such as the Employment Act of 1980 which addresses past discrimination in the employment sector.

Section 29 states:

"No employer shall, in any contract of employment between himself and an employee discriminate against any person or between employers on grounds of race, colour, religion, marital status, sex, national origin, tribal or clan extraction, political affiliation or social status".

The provisions of the above section are not only in conformity with aspects of the International Convention on the Elimination of All Forms of Racial Discrimination but also of the International Labour Organization Discrimination (Employment and Occupation) Convention No. 111 which Swaziland ratified in 1981. The above-quoted section clearly eradicates discrimination in the workplace.

12. Swaziland also has the Citizenship Act of 1992 amending the 1982 Citizenship Act which, some alleged, had discriminatory aspects. The 1992 Act was enacted to take care of the concerns of those affected. Article 4 of the 1982 Act defines "natural born citizens" as follows: "A person born, whether before or after the commencement of this Act and whether in or outside Swaziland, is a citizen of Swaziland if, according to customary law, he is by birth a member of a Swazi community subsisting within the Kingdom of Swaziland". It further states: "A person born, whether before or after the commencement of this Act whether in or outside Swaziland, is a citizen of Swaziland if by birth he is a descendant of an ancestor who is a citizen of Swaziland".

13. The new citizenship law passed in November 1992 removed many ambiguities relating to Swazi citizenship and enabled non-ethnic Swazis to enjoy a measure of benefits, i.e. obtaining passports and citizenship documents. The Government hosts about 7,000 ethnic Swazis from the former homeland of KwaZulu in South Africa and these are treated as virtually indistinguishable from local Swazis.

14. Swaziland's treatment of refugees is considered good by the United Nations High Commissioner for Refugees (UNHCR) as well as the various non-governmental organizations involved in the care of these groups. Largely under UNHCR auspices more than 35,000 Mozambican refugees returned home by the end of 1994 and several hundred refugees have been registered in Swaziland.

15. Right of association. The Industrial Relations Act of 1980 affirms the right of trade unions to organize and associate freely. It permits workers in all sectors of the economy, including the public sector, to join unions. Unions operate independently of government or political control. The main trade union is the Swaziland Federation of Trade Unions (SFTU). The Swaziland Federation of Labour, a breakaway from the SFTU, gained recognition from Government in 1994.

16. The Government has taken the necessary steps to ratify the Protocol relating to the Status of Refugees, the Convention on the Political Rights of Women, the Convention on the Nationality of Married Women and the Convention on the Rights of the Child.

17. His Majesty King Mswati III, when opening Parliament, pointed out that a committee would be appointed to look into the drafting of the country's constitution. The drafting of the constitution, which will start shortly, will address adequately all aspects of the Convention left out by the present legislations.



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UNDER ARTICLE 9 OF THE CONVENTION

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Addendum

INDIA*

[10 November 1994]

* The present document contains the tenth to fourteenth periodic reports consolidated in one document which were due on 5 January 1988, 1990, 1992, 1994 and 1996 respectively. For the eighth and ninth periodic reports of India, submitted in one document, and the summary records of the meetings at which the Committee considered those reports, see documents CERD/C/149/Add.11 and CERD/C/SR.796 and SR.797.

Introduction

1. India became a party to the International Convention on the Elimination of All Forms of Racial Discrimination by ratification on 3 December 1968. It has fulfilled its obligations in accordance with the requirements of article 9 of the Convention and has submitted nine periodic reports so far.

2. India's consolidated tenth, eleventh, twelfth and thirteenth report covers the period 1986 to 1996 and updates information presented in the last consolidated periodic report. Being a country with a federal system, there are considerable difficulties in the collation of information from state governments and other institutions on the issue of "race" per se, which, as will be explained below, does not impinge directly on the consciousness of the Indian people. The delay in submission of periodic reports has been mainly on account of this reason. The Government of India would like to reassure the Committee of its highest respect for the provisions of the Convention and the deliberations of the Committee.

3. In compliance with the general guidelines on the submission of periodic reports, India's combined report comprises two parts. In Part I, India's overall approach and policies towards eliminating all forms of racial discrimination and the general legal framework prohibiting racial discrimination have been outlined. In Part II, information has been provided on the fulfilment of India's obligations under the Convention.

I. GENERAL POLICIES AND OVERALL LEGAL FRAMEWORK

4. Any consideration of India's overall approach and policies towards the elimination of racial discrimination must begin with an understanding of the racial diversity of India. In matters related to race, India's experience may be seen as sui generis and the quintessence of Indian society is the intermingling of races.

5. History has made India a home to people of diverse origins. Over the millennia, the assimilative character of the Indian civilization combined with the process of intermingling of inhabitants with waves of immigration have resulted in a composite society. A variety of racial sources have therefore contributed to the "mix" that is the hallmark of the Indian people today. The fusion of these diverse racial elements over centuries has meant that Indian society is not racially or ethnically homogenous. Categorical distinctions of "race" or "national or ethnic origin" have ceased to exist and race itself as an issue does not impinge on the consciousness or outlook of Indian citizens in their social relations. Today India is a mosaic of different groups who seek identification in terms of language, religion, caste or even regional characteristics rather than race, colour or ethnic origin.

6. India's previous reports to the Committee have in response to queries from members incorporated information with regard to constitutional protection enjoyed in India by "Scheduled Castes and Tribes" and the specific measures adopted by the Government for their economic and social improvement. The term "caste" denotes a "social" and "class" distinction and is not based on race. It has its origins in the functional division of Indian society during ancient times. Segments of the Indian population known as "Scheduled Tribes" are a

part of the vast ethnic diversity of India where intermingling has been less pronounced. Measures of positive discrimination have been incorporated into the Indian Constitution to enable Scheduled Castes and Scheduled Tribes, who tend to be among the economically underprivileged classes, to enter the mainstream of national life and to facilitate their intermingling with the rest of the Indian population.

7. Article 1 of the Convention includes in the definition of racial discrimination the term "descent". Both castes and tribes are systems based on "descent" since people are normally born into a particular caste or a particular tribe. It is obvious, however, that the use of the term "descent" in the Convention clearly refers to "race". Communities which fall under the definition of Scheduled Castes and Scheduled Tribes are unique to Indian society and its historical process. As conveyed to the Committee during the presentation of India's last periodic report, it is, therefore, submitted that the policies of the Indian Government relating to Scheduled Castes and Scheduled Tribes do not come under the purview of Article 1 of the Convention. As a matter of courtesy to the members of the Committee, the Government is, however, happy to provide any information that they may require on this subject.

8. Notwithstanding the racial heterogeneity, the Constitution of India specifically prohibits discrimination on the basis of "race". This is mainly because the framers of the Indian Constitution largely drew upon the provisions of the United States Constitution and the Charter of the United Nations while drafting the chapter on fundamental rights. An eminent scholar provides insight into the framing of these provisions of the Indian Constitution as follows:

"During the framing of India's Constitution, some preliminary notes on fundamental rights were prepared by Mr. B.N. Rao (who was the Constitutional Adviser), Mr. K.M. Munshi and Mr. K.T. Shah (who were members of the Advisory Committee on Fundamental Rights). In preparing the notes on fundamental rights these members referred to the Constitutions of various countries, in particular the Constitution of the USA. The draft articles prepared by Mr. Munshi formed the basis of discussion in the Sub-Committee on Fundamental Rights. Clause 5 of this draft relating to the right to equality and the guarantee against discrimination was adapted from the US Constitution, Amendment XIV, Section I. From the notes and discussions of this Committee one can see that the provisions of the United Nations Charter, which contain direct references to 'rights of mankind irrespective of race, colour or sex', also influenced the framers of India's Constitution who felt that there should be no discrimination between man and man" (B. Shiva Rao, The Framing of India's Constitution, vol. II).

9. Other factors that inevitably also influenced the thinking of the framers of the Indian Constitution included the experience of racial discrimination during the colonial rule, Mahatma Gandhi's struggle against apartheid in South Africa and the moral outrage of the world community against racism in the immediate aftermath of the Second World War.

10. Today, the Constitution of India and, inter alia, the Indian Penal Code and the Representation of Peoples Act provide the general legal framework within which "racial discrimination" is prohibited. The Constitution prohibits discrimination on grounds of religion, race, caste, sex or place of birth. It guarantees to all persons equality before the law and equal protection of laws within the territory of India. It further incorporates the freedom of speech and expression, the right to form associations and unions, and the right to life and personal liberty. The right to remedies for the enforcement of fundamental rights is also provided for by the Constitution. It should be noted in this regard that "race" as a ground for discrimination has never been invoked before the courts of law of India so far.

11. Provisions of the Indian Penal Code prohibit actions that promote hatred, enmity and ill-will on grounds of race or religion. The Representation of Peoples Act, 1951, provides for the punishment of persons who attempt to promote feelings of enmity on grounds of race.

12. An independent judiciary created by the separation of powers envisaged in the Constitution, the emergence of a free press, an active NGO movement and a range of institutional mechanisms of civil society have complemented the efforts of the Government to eliminate racial as well as other forms of discrimination against individuals. The establishment in recent times of a National Commission for Scheduled Castes and Scheduled Tribes, a National Commission on Minorities, and a National Human Rights Commission with wide-ranging powers deserve special mention in this regard.

13. At the international level, India's commitment to the cause of elimination of racial discrimination in all its forms, including apartheid, has been reflected in the role it has played in this field. India was the first country to inscribe the issue of racism in South Africa on the agenda of the United Nations in 1946. Since independence, this opposition to racial discrimination has been reflected in a policy that saw the imposition of comprehensive sanctions against apartheid South Africa, the severing of diplomatic ties with that country and India's accession to the International Convention on the Suppression and Punishment of the Crime of Apartheid in October 1977. As a founding member of the Non-Aligned Movement, India also sought to ensure that opposition to racial discrimination and elimination of all forms of exploitation and inequality were accorded the highest priority in the agenda of the Movement.

14. As a matter of policy, India is committed to supporting the principle of equality of States and individuals, including racial equality, and will continue to work for this objective in the appropriate international forums.

II. IMPLEMENTATION OF ARTICLES 2 TO 7 OF THE CONVENTION

Article 2

15. The Constitution of India prohibits discrimination on the grounds of race. Article 15 (1) provides that the State shall not discriminate against any citizens on grounds of religion, race, caste, sex, place of birth, or any of them. Article 15 (2) provides that no citizen shall on grounds of religion, race, caste, sex, place of birth or any of them be subject to any

disability, liability, restriction or condition with regard to (a) access to shops, public restaurants, hotels and places of public entertainment or (b) the use of wells, tanks, bathing ghats, roads and places of public resort, maintained wholly or partly out of State funds or dedicated to the use of the general public. Article 14 of the Indian Constitution provides that the State shall not deny to any person equality before the law or the equal protection of the laws within the territory of India.

16. The provisions of the Indian Constitution clearly prevent the Government from sponsoring, defending or supporting racial discrimination on any ground. The Government has, in fact, been actively supporting persons and organizations fighting against racial discrimination in South Africa and various other parts of the world.

17. On the eve of the entry into force of the Constitution, a step towards the abolition of racial discrimination was taken by enactment of the Removal of Racial Discrimination Act (XVII of 1949) in terms of which privileges enjoyed by Europeans and Americans under the British regime in matters of criminal law and procedure were taken away. As the Constitution specifically prohibits racial discrimination, all pre-constitutional laws inconsistent with constitutional provisions became void to the extent of such inconsistency by virtue of article 13 (1). Article 13 (1) further provides that the State shall not make any law which takes away or abridges the fundamental rights and any law made in contravention of this provision shall, to the extent of the contravention, be void. There is thus a built-in provision in the Indian Constitution to rescind or nullify all laws that may have the effect of sanctioning racial discrimination.

18. While article 15 (1) of the Indian Constitution prohibits discrimination by the State, article 15 (2) extends the prohibition to private persons. This prohibition is further developed by the provisions of the Indian Penal Code. The Indian Penal Code, under sections 153 (A), 153 (B) and 505, makes promotion of disharmony, feelings of enmity and hatred or ill-will on grounds of race punishable with imprisonment and fine.

19. The State does not encourage anything which tends to strengthen racial divisions. It has on the contrary encouraged and supported multiracial organizations which led the struggle against apartheid.

20. The Indian Constitution contains certain special provisions for Anglo-Indians. Under article 366 (2), an Anglo-Indian has been defined as "a person whose father or any of whose other male progenitors in the male line is or was of European descent but who is domiciled within the territory of India and is or was born within such territory of parents habitually resident therein". Some temporary preferences with regard to employment and educational grants for Anglo-Indians for a 10-year period were provided by the Constitution. These preferences for Anglo-Indians were essentially to cushion the loss of the privileged position they enjoyed prior to independence. Articles 331 and 333 also provide that the President or governor of a State can nominate members of the Anglo-Indian community to the Parliament and Legislative Assembly if they feel the community is not adequately represented.

Article 3

21. India has consistently condemned racial segregation and apartheid, worked for their elimination and has been in the forefront of actions of the international community in this regard. Prior to independence, Mahatma Gandhi has started a passive resistance movement while living in South Africa. India was the first country to inscribe the issue of racism on the agenda of the United Nations as early as 1946. This conviction was translated into a post-independence policy that included imposition of sanctions against South Africa, severance of all ties with South Africa, active participation in the evolution of the International Convention on the Elimination of Racial Discrimination and accession to the International Convention on the Suppression and Punishment of the Crime of Apartheid. To give effect to the latter Convention, India enacted the Suppression of Apartheid Act in 1981.

22. In addition, India played an active role in the Non-Aligned Movement, the Commonwealth and all other international forums on the question of apartheid and racial discrimination in South Africa. Particularly, it maintained an active role in the United Nations Special Committee against Apartheid, the principal United Nations organ keeping South Africa's policy of apartheid under constant review. India was also actively associated with Commonwealth activities on South Africa and was a member of the eight-member Commonwealth Committee of Foreign Ministers set up at the Vancouver Commonwealth summit meeting to monitor the implementation of a programme of action on South Africa.

Article 4

23. Under the Indian Penal Code, acts prejudicial to the maintenance of harmony between different races are punishable by law. Details regarding the IPC have been presented to the Committee in earlier periodic reports.

24. No organization which promotes and incites racial discrimination can legally exist in India. The Constitution and the laws in this regard make it clear that the State will take all necessary measures within the law to prevent activities and propaganda which promote and incite racial discrimination. Members of any organization in breach of the law would automatically become liable for prosecution under the relevant provisions of the Indian Penal Code.

25. No public authority or public institution, national or local, within India can promote or incite racial discrimination. Prohibition of discrimination is a fundamental right under the Indian Constitution and all fundamental rights are enforceable in courts of law not only against executive organs of the State but also against the Parliament and State legislatures as well. Article 12 of the Constitution defines the term "State" to include the Government and Parliament of India; the government and the legislature of each State and all local or other authorities within the territory of India are under the control of the Government of India. By judicial construction, the expression "State" has been held to further include statutory bodies and statutory corporations such as insurance corporations, nationalized banks, airline corporations, electricity boards and others having the power to make binding rules and regulations.

Article 5

26. The rights of all persons to equality before the law and equal protection of the laws within the territory of India is a fundamental right under the Constitution.

27. Article 21 of the Constitution guarantees to every person the right to life and personal liberty. It provides that no person shall be deprived of life or personal liberty except according to procedure established by law. Any violence or bodily harm inflicted by an individual group or institution comes within the purview of the normal criminal laws of the country.

28. Full political rights are guaranteed to all citizens under article 19 of the Indian Constitution. Article 16 guarantees equality of opportunity in matters of public employment. India's political system is based on parliamentary democracy and elections are periodically held on the basis of universal and equal adult franchise. All citizens have full rights to take part in Government and the conduct of public affairs. Article 325 of the Constitution ensures that no person shall be ineligible for inclusion in the general electoral roll on grounds only of religion, race, caste, sex or any of them. Section 125 of the Representation of Peoples Act further provides that any person who in connection with an election promotes or attempts to promote on the grounds of religion, race, caste, community or language feelings of enmity shall be punishable with imprisonment as well as fine.

29. Article 19 of the Constitution guarantees the freedom of movement and residence, opinion, expression, assembly and association within the territory of India to all citizens. Article 25 guarantees the freedom of religion. Article 300A provides to all persons the right to property. The right to inherit is provided under the civil laws of the country. The right to nationality is covered by the provisions pertaining to citizenship in the Constitution. The right to marriage and choice of spouse is also provided for, subject to a minimum age, under the civil laws.

30. The right to form and join trade unions as well as access to public places are fundamental rights under the Constitution. Other economic, social and cultural rights provided under the Convention mostly fall within the ambit of the Directive Principles of State Policy of the Indian Constitution. These Directive Principles are considered fundamental in the governance of the country even though they are not enforceable by a court of law and the Constitution declares that it shall be the duty of the State to apply these Principles in making laws. The Directive Principles elaborated in Part IV of the Indian Constitution provide for the right to work, education and public assistance within the limits of the State's economic capacity and state that the State shall direct its policy towards securing equal pay for equal work, just and humane conditions of work, living wages, etc. They further call upon the State to provide free and compulsory education to children below the age of 14 and declare it a duty of the State to improve public health.

Article 6

31. The Indian judiciary, headed by the Supreme Court, is totally independent and all rights provided by the Indian Constitution are enforceable by the judiciary. The right to move the Supreme Court is itself a fundamental right. The High Courts at the State level can also be moved for the enforcement of relevant rights. In cases where violation of rights demands quick redressal the Supreme Court and High Courts have the power to issue writs. The structure of the judicial system spreads across the whole country and there is an entire hierarchy of courts which go down to the grass-roots level, permitting easy access to all. Individuals who cannot afford to engage lawyers are provided free legal aid and assistance. Establishment of a legal system which promotes justice on the basis of equal opportunity and provision of free legal aid is one of the Directive Principles of State Policy. The legal community of India has also been highly innovative in promoting lok adalats (people's courts) and legal aid camps where free legal aid is provided and administrative authorities are asked to solve legitimate grievances on the spot.

32. The right to compensation for violation of any human right does not form part of any statute but courts in India have awarded compensation to victims of violations of human rights in various cases. Recently, the Supreme Court held that if the State violates the human rights of a citizen, a claim for monetary compensation would be regarded as a public law remedy (Milabati Behera v. State of Orissa, AIR 1993 SC 1961). Human rights jurisprudence in India has now firmly established that the Supreme Court or a High Court has power to award compensation under articles 32 and 226 for a gross violation of human rights.

Article 7

33. In compliance with its obligations under article 7, India has sought to combat all forms of prejudice which would lead to situations of racial discrimination or communal hatred. To this end, deliberate and sustained efforts have been made towards shaping the attitudes of the youth from the school onwards through the education system and the information media. The school curriculum in India devotes considerable attention to constitutional provisions related to fundamental rights. In addition, the values of secularism, respect for human rights, tolerance, etc. are sought to be imparted through the education system.

34. The freedom of the press and media in India also ensures that the public enjoys unhindered benefit of freedom of opinion and expression, which India perceives as contributing to tolerance and friendship between nations and peoples. In order to ensure that racial or other prejudices are not propagated, policy guidelines have been evolved by institutions such as the Press Council of India for private media and the Government for the State-run media. The Government has also set up a Directorate of Field Publicity which, inter alia, prepares programmes on non-discrimination, tolerance and friendship at the grass-roots level and has been using traditional and other means of communication for the purpose.

35. The Indian Council for Cultural Relations (ICCR), an autonomous body of the Ministry of External Affairs, undertakes various interactive programmes on occasions such as Africa Day to celebrate friendship between peoples and races. It provides special counselling services to foreign students in India under the various scholarship programmes administered by the Government. ICCR also takes action to ensure the educational and personal welfare of foreign students, the vast majority of whom come from developing countries and therefore represent different races and peoples from all over the world.

36. The Government has sought to promote international understanding and friendship by providing technical expertise and scholarships to a growing number of foreign students under the Indian Technical and Economic Cooperation Programme, the Colombo Plan and the Special Commonwealth African Assistance Plan, apart from extending bilateral assistance to developing countries within the limited resources available.

37. As part of its efforts to fulfil obligations under the various human rights covenants to which it is a signatory, the Government of India has attached high importance to awareness generation and human rights education. This awareness generation has taken many forms, including sensitization of the government machinery at all levels including police, paramilitary forces and the armed forces on the need to observe, promote and protect human rights. In this effort, the Government has worked closely with actors of civil society such as NGOs and the National Human Rights Commission. Human rights as a subject has been included in the training schedule of various academies imparting training to police and armed forces, viz. Sardar Vallabhbhai Patel National Police Academy, Hyderabad and the National Institute of Criminal and Forensic Sciences, Delhi.



**International Convention
on the Elimination
of all Forms of
Racial Discrimination**

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COMMITTEE ON THE ELIMINATION
OF RACIAL DISCRIMINATION

REPORTS SUBMITTED BY STATES PARTIES UNDER
ARTICLE 9 OF THE CONVENTION

Fourteenth periodic report of States parties due in 1996

Addendum

ICELAND*

[29 March 1996]

* This document contains the fourteenth periodic report due on 4 January 1996. For the thirteenth periodic report of Iceland and the summary records of the meetings at which the Committee considered that report, see documents CERD/C/263/Add.2 and CERD/C/SR.1049-1050.

The information submitted by Iceland in accordance with the consolidated guidelines for the initial part of the reports of States parties is contained in the basic document HRI/CORE/1/Add.26.

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I. GENERAL OBSERVATIONS

1. In the following a general description will be presented of the most important laws enacted and measures taken during the two years which have passed since Iceland's thirteenth report on the implementation of the International Convention on the Elimination of All Forms of Racial Discrimination was concluded in February 1994. The account will be confined to the legal reforms or other measures and decisions on policy-making carried out or planned since then, which are of an important nature and have a bearing upon the implementation of the Convention in Iceland. A more detailed description of the substance of new legislative and other measures is then to be found in Part II, where matters relating to the individual provisions of the Convention are discussed. No discussion will be presented of matters concerning the individual provisions of the Convention where no legislative amendments have been effected or measures taken and the situation in other respects is unchanged as compared to the previous reports.
2. As regards general information on Iceland and its people, the administration, and court system, the power to resolve whether human rights have been violated, and the applicability of international human rights conventions under national law, a reference is made to a core document concerning Iceland forming part of the reports of State parties in HRI/CORE/1/Add.26 of 24 June 1993 as these aspects remain unchanged if no particular observations are made to the contrary herein. A reference shall also be made in this respect to the General Observations in Part I of the twelfth report in the document CERD/C/226/Add.12.
3. As regards the most important legislative measures which have been taken since the thirteenth report was finalized, an amendment to the human rights chapter in the Icelandic Constitution should first be mentioned. In June 1994 the Althing resolved that the human rights provisions of the Icelandic Constitution should be revised. The parliamentary resolution stated that a revision of the Constitution's human rights provisions was now timely with a view to the international obligations undertaken by Iceland in becoming a party to international human rights agreements. Subsequently, a bill amending the human rights provisions in the Constitution was introduced in the Althing. In February 1995 the Althing accepted the bill and it was reaccepted by the Althing in June after regular elections had taken place, after which the amendment came formally into force.
4. The amendment provides for extensive changes and additions to the human rights provisions previously in effect, which had become somewhat outdated in various ways, as they had remained almost totally unchanged since 1874. They were subject to criticism both in domestic debate and on the international scene. The critics chiefly maintained that the human rights chapter of the Constitution lacked clear provisions on various fundamental human rights. Statute provisions guaranteeing these rights were thus considered inadequate, as was the view that such rights were guaranteed by unwritten fundamental principles of law. The amendment to the Constitution, according to which various new rights are added to those already provided for and some of the old provisions are phrased in a much clearer way, is intended to redress this situation.

5. Apart from the previously protected rights which were phrased in a clearer way with a wording in line with international human rights provisions, the rights expressly added to the human rights chapter of the Constitution, according to the amendment, are the following, by reference to section numbers:

(a) A general principle of the equality of all men before the law, without regard to sex, religion, opinion, national origin, race, colour, financial status, parentage and other status (sect. 65, subsect. 1);

(b) Equal rights of men and women (sect. 65, subsect. 2);

(c) A principle on freedom of movement and the right to choose a place of residence (sect. 66);

(d) A prohibition of torture, inhuman or degrading treatment or punishment (sect. 68, subsect. 1);

(e) A prohibition of forced labour (sect. 68, subsect. 2);

(f) A prohibition of retroactive criminal punishment and a prohibition of providing for the death penalty by law (sect. 69);

(g) Minimum requirements for fair trial in court procedure in civil and criminal litigation (sect. 70);

(h) The right to support in the case of sickness, disability, old age, unemployment and other comparable situations shall be guaranteed by law (sect. 76, subsect. 1);

(i) The right to general education and suitable training shall be guaranteed to all by law (sect. 76, subsect. 2);

(j) The duty of the State to provide children with special legal protection (sect. 76, subsect. 3);

(k) A prohibition of retroactive tax impositions (sect. 77).

6. It should be noted that most of these rights were already protected by statutes or were regarded as unwritten but constitutionally protected legal principles. However, in the light of the importance of these rights, it was deemed safer to include them in the written Constitution.

7. The constitutional amendments mentioned above reflect to a great extent the provisions of various international human rights instruments to which Iceland is a party, both those prepared under the auspices of the United Nations, such as the International Convention on the Elimination of All Forms of Racial Discrimination, and those having their origins in European cooperation. It may be reiterated that one of the aims of the revision was that constitutionally protected human rights should reflect the international human rights obligations, by which Iceland is bound. These conventions will also play a key role for the interpretation of the constitutional provisions.

8. Since the last report was compiled the European Convention on Human Rights has been incorporated into Icelandic law, by Act No. 62/1994, first of international human rights instruments, and thus its provisions can be directly invoked in court as domestic legislation. At the present time no decision has yet been taken to incorporate other human rights instruments into domestic law.

9. By Act No. 83/1994 the office of the Ombudsman for Children was established and came into operation on 1 January 1995. Its aim is to provide for societal conditions more favourable for children; the Ombudsman is to guard the interests and rights of children, and ensure that administrative authorities, individuals, societies and associations respect in full their rights, needs and interests. The Children's Ombudsman enjoys independence in his work and his most important role is to promote the protection of children's rights and welfare in all fields of the society. He inspects, inter alia, whether public authorities respect the provisions of international treaties that concern the rights and welfare of children. That applies particularly to the Convention on the Rights of the Child of 1989 to which Iceland is a party. Since article 2 of the Convention on the Rights of the Child is intended to guarantee all children the rights set forth in the Convention without any discrimination based on race, colour, sex, language, religion, national or ethnic origin and other comparable considerations, the Children's Ombudsman will specifically examine whether any such breaches take place.

10. The Children's Ombudsman can both receive complaints and initiate investigation on alleged breaches on the rights set forth in the Convention. If he considers that public authorities, individuals or groups of individuals have acted contrary to the rights and interests of children he will submit a report setting out his recommendations to the party concerned. He will also supervise that legislation is in conformity with the rights and interest of children, and propose changes or amendments on legislation concerning children where he considers necessary.

11. The Ombudsman's office has now been operating for slightly more than a year and has dealt with a great variety of tasks. At the same time the Ombudsman has organized the function of the office and published and distributed widely information about the office to make its existence widely known. In 1995 the Ombudsman received between 400 and 500 requests for information concerning children's rights, either by telephone or in writing, a large number of which come from children. There is no formal complaint procedure, since it is not the role of the Ombudsman to deal with individual cases. However, the Ombudsman has been able to advise children in some instances and such requests have in addition brought to the Ombudsman's attention the possible need to improve children's rights in certain fields and initiated special recommendations to the authorities.

12. Concurrently, the Children's Ombudsman has initiated public discussion on various children's affairs and made recommendations on necessary reforms of legal provisions and instructions given by administrative officers which specifically concern children. The opinions and recommendations of the Ombudsman have led to a growing public debate on children's issues. It should

be emphasized that in this debate, the Ombudsman frequently refers to the provisions of the Convention on the Rights of the Child and whether Icelandic legislation and practice are in conformity with the Convention.

13. At the time of writing a new Personal Names Bill has been submitted to the Althing. The Personal Names Act now in effect has been subject to criticism, in particular the arrangement of imposing upon a naturalized foreigner the obligation of assuming an Icelandic name to be used jointly with his original foreign name. Thus, the children of a naturalized foreigner who have attained the age of 15 years, and any later children, shall use an Icelandic personal name. If the new Personal Names Bill is enacted the duty of a foreigner to assume an Icelandic name on becoming an Icelandic citizen is abolished; both the naturalized person and his children can then retain their unchanged family names. It is expected that the Bill will be adopted in the spring of 1996.

14. At present, a bill is in the making adding a new provision to the Penal Code. According to the bill it will become a punishable offence to deny an individual service or access to any place intended for use by the general public, such as restaurants, hotels, transport, theatres and other public places on the grounds of colour, race, national origin and comparable considerations. The bill is expected to be introduced in the Althing in the autumn of 1996.

15. In February 1995 the Government appointed the Refugee Council, with the participation of representatives from the Ministries of Foreign Affairs, Justice, Social Affairs, Education and Health Affairs and a representative from the Red Cross. The Council is a permanent body and has regular meetings. The main objective of the Council is to organize the acceptance and arrival of refugees to the country and to deal with matters related to refugees who apply for asylum while their request is pending before the authorities. It is also intended to submit proposals to the Government concerning refugee policy and necessary measures that should be taken in that respect. The Refugee Council has, inter alia, submitted proposals to the Government concerning annual quotas of refugees to Iceland. In October 1995 the Government decided to receive a group of 25 refugees from Bosnia to Iceland. Their arrival in Iceland is now being prepared in cooperation with local authorities in the country, regarding matters such as providing housing and employment, arranging health care and other services they will need on their arrival. This is the first time since 1991 that Iceland has received such a group of refugees. The Icelandic Red Cross in coordination with UNHCR, is now deciding on the composition of the group.

16. A general revision of the Icelandic legislation concerning refugees is planned but has not yet commenced.

17. In the autumn of 1995 the Minister of Education appointed a committee to formulate an overall policy on immigrants in Iceland, with the participation of representatives from the Office of the Prime Minister, the Ministries of Foreign Affairs, Justice, Social Affairs and Education. The Committee's task is initially to collect information from various ministries, government institutions and other public and private bodies which deal with matters

concerning immigrants and to analyse whether there are particular problems in this field that must to be tackled through legislative, administrative or other measures.

18. On the basis of the collected information, the Committee will submit proposals to the Government to formulate a general policy on immigrants. This will, inter alia, include proposals as how to organize special services for immigrants in the field of education and social support, the services of interpreters and other proposals aiming at improving the situation of immigrants in the country.

19. In 1994 the city authorities of Reykjavik, established the Information and Cultural Centre for Foreigners. Its task is to serve foreigners who come to Iceland, particularly to provide information concerning residence permits, work permits, health care, social service, kindergarten and other necessary information for immigrants and other foreigners staying in the country.

20. Since the thirteenth report was concluded, various measures have been taken by the Government concerning the publication and distribution of international human rights conventions to which Iceland is a party. As a part of this project, the International Convention on the Elimination of All Forms of Racial Discrimination has been published in a special leaflet and distributed widely. The Convention has, inter alia, been distributed to all lawyers working at the courts, both judges and deputies, and to all lawyers working at the district magistrates offices, the Chief of Police offices in the districts of the country and the office of the Public Prosecutor. In the Icelandic School for Policemen a general course on human rights is compulsory, where all the major international conventions on human rights are introduced to the students.

21. Even though the Convention does not enjoy direct force of domestic law, it was included in a new printed edition of the Law Collection which was published in January this year. Such a Law Collection is published approximately every fifth year and it contains all Icelandic laws in force at the time of its publication. Now, for the first time, some of the major international human rights conventions to which Iceland is a party, such as the International Convention on the Elimination of All Forms of Racial Discrimination, was included in the Law Collection in its first part, which contains the Constitution and other fundamental Icelandic statutes.

22. The Convention is distributed to all students in the first year of their law studies in the Faculty of Law at the university, as a part of their constitutional studies. In the final part of the law studies, a human rights course is offered to students where the Convention is a subject among other international human rights instruments.

23. It should finally be noted that the conclusions of the Committee on the Elimination of Racial Discrimination, dated 17 August 1994, concerning Iceland's tenth, eleventh, twelfth and thirteenth reports under the Convention, provided an occasion for some public debate in Iceland. The Committee's conclusions, were distributed to all public media and all the most influential Icelandic media described the conclusions.

24. It is evident that public interest and discussion on human rights have increased significantly in Iceland in the past few years. The amendment to the human rights provisions of the Constitution may be regarded as a manifestation of this increased interest. The bill, amending the human rights provisions in the Constitution was subject to a great public debate when it was introduced at the Althing, which led to some changes in its provisions before it was accepted. The growing public interest in matters concerning human rights can without doubt partly be traced to international involvement with matters relating to human rights in Iceland, and indications of where there may be scope for improvement.

25. Two organizations have been established in the past two years specifically dealing with human rights. Firstly, the Human Rights Office was established in Reykjavik in the spring of 1994, similar to those which have existed in the Scandinavian countries for some time. The parties behind the Human Rights Office are the Icelandic section of Amnesty International, the International Save the Children Alliance, the Office of the Bishop of Iceland, the Icelandic Church Aid, the Icelandic Red Cross, the Women's Rights Association of Iceland, the Equal Status Council, and the United Nations Development Fund for Women (UNIFEM) Iceland.

26. The objectives of the Icelandic Human Rights Office are to collect information concerning human rights, to introduce such information to the public, and to promote education and research in the field of human rights. The Office takes part in the exchange of information between similar offices in the Nordic countries. The Office also promotes lectures and discussion on human rights, publication and dissemination of printed matter concerning human rights, and research in individual fields of human rights. The Human Rights Office has, among other things, concerned itself with the success, or lack thereof, in implementing international human rights instruments in Iceland. Some educational and informational work in the field of human rights has been undertaken by the Office for the benefit of both lawyers and the public. The Office receives financial support from the State, which amounted to ISK 4 million for 1996.

27. The second organization operating in the field of human rights is the University Institution of Human Rights which was established in the spring of 1995. The institution was founded by the University of Iceland, the Icelandic Bar Association and the Icelandic Association of Judges. The main purpose of the Institution is to promote research on the legal aspects of human rights, distribute the conclusions of such legal research, promote education and lectures, and support students, teachers, barristers, judges and others to study in the field of human rights.

28. Finally, the organization Barnaheill (Icelandic Save the Children) should be mentioned. Barnaheill aims at improving the human rights of children in general. Thus, the association represents children in society by making the State, the local authorities and the associations work for the greater well-being of children, by influencing legislation and by making the public and politicians better aware of children and the environment in which they live. The association has taken the initiative in various areas regarding publicizing the Convention on the Rights of the Child. The association's revenues are derived from members' subscriptions; current membership is about 10,000, and it does not receive financial support from the State.

29. There is no formal cooperation between the above-mentioned human rights organizations and the Government, but nevertheless there is some cooperation, particularly in gaining and distributing information concerning human rights.

30. The following table contains some relevant aspects of the demographic composition of the population in Iceland on 1 December 1995. They reveal, on the one hand, the number of foreign nationals in Iceland and, on the other hand, the number of Icelandic citizens born abroad.

31. Since Iceland's twelfth report was prepared, the number of foreign nationals in Iceland has decreased slightly. On 1 December 1991 foreign nationals in Iceland numbered 5,395, but on 1 December 1995 they numbered 4,807. Of these approximately one third came from the other Nordic countries and approximately one third from other European countries.

32. At the same time, i.e. 1 December 1991, 10,565 Icelandic nationals had been born abroad, but as at 1 December 1995, 10,901 Icelandic nationals had been born abroad. It should be noted that these figures include both those who were born abroad and acquired Icelandic citizenship at birth and foreigners born abroad who had subsequently acquired Icelandic citizenship.

33. For the purpose of comparison with figures from the previous years, reference is made to tables on the same subjects included in Part I of the twelfth report.

Population at 1 December 1995, by country of birth
and country of citizenship

Population total: 267,809

	Country of birth	Country of citizenship
Iceland	256 908	263 002
Other countries	10 901	4 807
Nordic countries	4 739	1 571
Denmark	2 164	990
Finland	113	78
Faeroe Islands	360	-
Greenland	29	-
Norway	738	305
Sweden	1 335	198
Other European countries	3 116	1 715
Albania	1	1
Austria	58	27
Belarus	-	1
Belgium	45	29
Bosnia and Herzegovina	-	5
Bulgaria	38	27

	Country of birth	Country of citizenship
Croatia	-	19
Czech Republic (Czechoslovakia)	46	24
Estonia	11	14
France	177	86
Germany	869	286
Greece	7	3
Hungary	49	32
Ireland	52	48
Italy	65	30
Latvia	1	1
Lithuania	14	12
Luxembourg	70	-
Malta	1	1
Netherlands	119	98
Portugal	44	39
Poland	365	326
Romania	7	4
Russian Federation (USSR)	113	74
Slovakia	-	5
Slovenia	-	11
Spain	115	68
Switzerland	62	21
Ukraine	-	13
United Kingdom	615	315
Yugoslavia	172	95
Americas	1 560	707
Brazil	15	16
Canada	169	56
Chile	22	9
Colombia	34	11
Guatemala	26	3
Mexico	23	11
Peru	14	8
United States	1 209	567
Other American countries	48	26
Africa	215	97
Algeria	15	7
Ethiopia	15	1
Cape Verde	21	13
Kenya	17	3
Morocco	41	24
South Africa	44	28
Other African countries	62	21

	Country of birth	Country of citizenship
Asia	1 171	646
China	96	65
India	88	19
Indonesia	70	5
Iraq	7	3
Iran (Islamic Republic of)	14	8
Israel	20	4
Japan	35	19
Jordan	10	9
Lebanon	18	4
Philippines	281	167
Republic of Korea	28	3
Sri Lanka	88	6
Syrian Arab Republic	10	8
Thailand	225	208
Turkey	21	4
Viet Nam	130	102
Other Asian countries	30	12
Oceania	107	78
Australia	53	33
New Zealand	47	36

II. INFORMATION RELATING TO THE IMPLEMENTATION OF ARTICLES 2 TO 7 OF THE CONVENTION

Article 2

Paragraph 1

34. It is not possible to speak of a specific comprehensive policy developed by the Icelandic authorities to battle racial discrimination in Iceland. As discussed in paragraph 38 of the twelfth report, issues relating to racial discrimination have in previous years not gained much attention or been subject to a great public debate in Iceland. This is without doubt due to the fact that hitherto, the population in Iceland has been relatively homogenous and without any major segregated minorities based on race, colour, national or ethnic origin. As the above table shows, there are approximately 4,800 foreign nationals in the country of whom less than one third are of a different race or colour than the majority of the population in Iceland. It should, however, be taken into account that this number does not include foreign nationals of different races or colour who have acquired Icelandic nationality. It may be pointed out that a number of immigrants from Asia, particularly from the Philippines, Thailand and Viet Nam, have acquired Icelandic nationality through naturalization and their children consequently

acquire Icelandic nationality at birth. In addition it should be noted that a number of children from India and Sri Lanka (approximately 100 in all) have been adopted by Icelandic parents in the past 10 to 15 years.

35. No particular problems have evolved in relation to racial discrimination in previous years that have required special measures from the authorities to tackle such discrimination. Even though no major problems or incidents have taken place concerning racial discrimination, there is a growing concern that clear rules should be adopted and other measures taken to prevent people having to suffer discrimination on the grounds of their colour, race, or their national or ethnic origin. This concern can be considered to derive partly from the increasing interest of people in human rights in general. Accordingly, unwritten principles of the equality of all people were no longer considered sufficient for this purpose and provisions aimed at guaranteeing the principle of equality have been added to various laws. In recent years, the Icelandic Government has thus gradually laid greater emphasis on the matter to meet a growing demand by taking legislative and other measures to prevent racial discrimination from taking root in Icelandic society.

36. As discussed in the general description on the amendment to the Constitution, a special provision of the Constitution, section 65, subsection 1, now stipulates expressly the basic principle that everybody shall be equal before the law and enjoy human rights without regard to sex, religion, opinion, national origin, race, colour, financial status, parentage or other status. The second subsection of the provision stipulates specifically the equal rights of men and women.

37. No legal provisions or regulations can be found in Icelandic laws which condone racial discrimination. Such a legal provision would clearly violate the above-described constitutionally protected principle of equality. Therefore, the courts would, through their judicial review, disregard or not apply such a provision, even though they could not formally invalidate it.

38. With reference to subparagraphs (a) and (b) of article 2, Icelandic authorities have neither undertaken to engage in any act or practice of racial discrimination nor supported any such activities.

Paragraph 2

39. There have been no incidents or circumstances in recent years indicating that some specific racial groups or individuals belonging to them need special protection as described in the paragraph. As discussed in paragraph 41 of the twelfth report and paragraph 34 above, the largest group of foreign origin and race in the country comes from Asia. These are people from Thailand and the Philippines, particularly women who have married Icelanders, and their relatives who have subsequently immigrated to Iceland. A number of refugees from Viet Nam, and subsequently their relatives, have settled in the country. The Ministry of Social Affairs has published booklets in some of the languages of the people from these countries in order to facilitate their adaptation to Icelandic society and to inform them about their rights and legal status, which is no different from that of Icelanders except as far as citizenship is concerned.

40. The language barrier is a common problem to most of the immigrants in the country without regard to their race, colour or ethnic origin. Therefore, measures taken by the authorities in this and other respects have aimed at solving the problems of immigrants in general. The appointment of a committee to formulate a general policy on immigrants in Iceland, described above, is a step in this direction. The committee is at present collecting information from various ministries, government institutions and other public and private bodies which deal with matters concerning immigrants to determine whether there are particular problems in this field which must be tackled through legislative, administrative or other measures. This information will hopefully reveal, at least to some extent, whether immigrants of different races, colour or origins feel that they are being discriminated against in Iceland and whether measures should be initiated to tackle such discrimination.

41. As discussed above, a special Information and Cultural Centre for Foreigners was established in Reykjavik in 1994 with the task of serving people who come from other countries to live in Iceland. The centre is open from Monday to Friday between 10 a.m. and 4.30 p.m. and provides foreigners with necessary and practical information, such as concerning resident permits, health care, social services, insurance, the school system, etc. At the centre, there is a list of interpreters fluent in many languages to assist foreigners. The centre has published a leaflet introducing its functions in seven languages (Vietnamese, Polish, Tagalog, Thai, Russian, Spanish and English).

42. Section 29, subsection 4, of the Act on Primary Schools No. 66/1995 stipulates that the objectives of education and the operating procedures of primary schools shall be such as to prevent discrimination on the basis of origin, sex, residence, social class, religion or physical disability.

43. There are 314 immigrant children, with a total of 40 different mother tongues, enrolled in Icelandic primary schools during the 1995/96 school year. The medium of instruction in the schools is Icelandic. Since the autumn of 1993, the Government has upgraded the level of services to immigrant children in the school system. Priority is attached to the teaching of Icelandic and to the process of adaptation, but at the same time, care is taken to respect the rights of immigrants to maintain their culture, religion and mother tongue.

44. The Primary Schools Act does not contain any provision stating that pupils whose mother tongue is other than Icelandic should receive instruction in their mother tongue. Nor are there special provisions stating that the mother tongue of these pupils should be taught in the schools. On the other hand, efforts are made to encourage these pupils to maintain their mother tongue and culture.

45. The Ministry of Education has financed an experiment in mother-tongue instruction in which a group of pupils from Viet Nam receives teaching and training in their mother tongue concurrently with teaching in Icelandic. This experiment is intended to provide information on whether mother-tongue instruction has a direct influence on how quickly and how well pupils gain a fluency in Icelandic. A report is expected in the next few months.

46. Funding for the special teaching of Icelandic for primary schoolchildren has been as follows:

1992 ISK 6 million
1993 ISK 9 million
1994 ISK 10 million
1995 ISK 19 million
1996 ISK 19.2 million.

In addition, funds have been granted for special teaching of immigrants in the secondary schools, and for adult education, with particular emphasis on the families of children of primary school age.

47. A special programme of education for immigrants has been under way under the auspices of the Ministry of Education since the autumn of 1993. Two specialists in the education of immigrants have been in charge of the programme, which includes children in nursery schools, primary schools and secondary schools and also adult education. They advise teachers on topics such as the teaching of Icelandic, course structure, educational materials and social adjustment, and have, *inter alia*, initiated the establishment of special reception class groups for immigrant children.

48. The Ministries of Education, Social Affairs and Justice have jointly provided the funds necessary to publish an information booklet in English about Icelandic society and the rights and duties of immigrants. A budget has been drawn up under which the Ministry of Education is to organize and finance the publication of practical information on schooling in the languages of the most numerous immigrant groups in Iceland. A special syllabus for the teaching of Icelandic to children who do not have Icelandic as their mother tongue is under preparation in the Ministry of Education; no such syllabus has existed up until now.

Article 3

49. There are no particular legislative, judicial, administrative or other measures which have been adopted in relation to this article of the Convention since the time Iceland's thirteenth report was finalized.

Article 4

50. Penalty clauses pertaining to this article have remained unchanged in Icelandic legislation since the thirteenth report was submitted. Reference is made to former reports, particularly the third report and paragraphs 14 and 15 of the twelfth report. As discussed there, the main relevant penalty clauses in this respect are section 233 (a) and section 125 of the Penal Code. Section 233 (a) stipulates that any person who, by mockery, slander, insult, threat or other means, publicly attacks a group of persons on the grounds of their nationality, colour, race or religion shall be liable to a fine, simple detention or imprisonment for a term not exceeding two years. Article 125 of the Penal Code stipulates that any person who publicly ridicules or dishonours the religion or worship of a lawful religious community in Iceland shall be liable to a fine or simple detention. No person has been prosecuted in recent years on the grounds for having violated these two penal clauses.

51. As discussed above an amendment to the human rights chapter of the Constitution came into force in the summer of 1995. However, the constitutional provision concerning the freedom of association and necessary limitations on the right to form associations remained unchanged in substance as regards the aspects relevant to article 4 (b). The present constitutional provision concerning the freedom of association is section 72, of which subsection 1 reads as follows:

"People shall have the right to form associations for any lawful purpose, including political groups and trade unions, without having to seek prior authorization. No association may be dissolved by executive order. The functions of an association may, however, be suspended pro tempore, in which case an action must be brought, without undue delay, for its disbandment."

52. This provision, like the previous section 73 of the Constitution, requires that an association must have a lawful purpose to enjoy the protection provided, without defining or enumerating, what is an unlawful purpose. An association with the aim to attack a group of persons on the grounds of their nationality, colour, race or religion by mockery, slander, insult, threat or other means would have an unlawful purpose, as these acts are punishable offences according to section 233 (a) of the Penal Code.

53. No association has been dissolved by executive order in the previous decades and no case has been brought before the courts for the disbandment of an association with the purpose to attack a group of persons on the grounds of their nationality, colour, race or religion. However, it should be noted that last year there was some public discussion about an association, "Nordic Mankind", founded and represented by only one individual who claims that Iceland is for Icelanders only and the superiority of the Nordic race. No other individual has appeared in public to support these ideas or has been proven to be linked to this association. The authorities have not taken any particular measures against this person. This has, however, initiated some public debate, such as to what extent Icelandic newspapers should control the publication of articles from individuals advocating such ideas.

Article 5

54. The enjoyment of the rights enumerated in this article is, according to Icelandic law, secured to everyone without regard to race, colour or national or ethnic origin. The most important legal provision in this respect is section 65 of the Constitution stating the principle of equality of all persons before the law and in the enjoyment of human rights. Apart from this constitutional provision, the legislation does not provide for any discrimination on the above-mentioned grounds and in various laws, such as section 11 of the Act on Administrative Procedure and section 29 of the Primary School Act, this principle is expressly stated. It should nevertheless be pointed out that it is considered justifiable that certain rights under Icelandic law are limited to persons with Icelandic citizenship, such as the political right to vote and to stand for election and the conduct of public affairs, and that certain general restrictions are imposed by law on the rights of foreigners to own real estate or share in industrial firms in the country.

55. It should be noted that one particular legal provision has been subject to criticism for discriminating between legitimate and illegitimate children born in Iceland of a foreign mother. Thus, according to the Icelandic Nationality Act a child does not acquire Icelandic citizenship at birth if its mother is a foreign national and is not married to the child's Icelandic father, but it would do so if its parents were married. However, in this case the child will acquire Icelandic nationality with the marriage of its parents, if it is under the age of 18. This rule is the same as that of some other Nordic countries concerning nationality, but in recent decades there has been great cooperation on the subject between the Nordic countries, with the objective of unifying legislation in this field. It is based on the presumption that a child acquires the nationality of its mother, which seems to be the general rule in the legislation on nationality in the majority of States.

56. Icelandic nationality is not only acquired according to conditions set forth in the Icelandic Nationality Act. As a matter of fact, the greatest deal of foreigners who acquire Icelandic nationality, approximately 150 to 170 annually, do so through a special naturalization act passed twice annually by the Althing. When granting Icelandic nationality, the Althing is not bound by strict legal requirements that the applicants must fulfil. A special parliamentary committee which deals with these matters has nevertheless set general guidelines which it usually follows when granting nationality. According to these guidelines Icelandic nationality may be granted to a foreigner after two years' domicile in Iceland if one parent is an Icelandic national, instead of the general rule that Icelandic nationality is first granted to foreigners after seven years' domicile in the country. The Ministry of Justice has recently drawn the committee's attention to the possible situation of a child being born stateless in Iceland if its mother is an unmarried foreigner who either is stateless herself or the law in the country of which she is a national does not provide that the child acquires her nationality automatically. The committee is now considering to add a new rule, which expressly provides for the possibility to grant Icelandic nationality to a child born stateless in Iceland.

57. There have been no cases or instances, known by the authorities, where people complain that private parties have denied them access to public places on the grounds, enumerated in article 5 (f). According to the present legislation there are no clear remedies available to individuals who suffer discrimination from other individuals in such instances, since Icelandic legal provisions concerning discrimination mainly aim at protecting individuals from discrimination vis-à-vis the State and public administration. As discussed above a bill is now being prepared to add a new provision to the Penal Code, declaring it a punishable offence to deny an individual service or access to any place intended for use by the general public, such as restaurants, hotels, transport, theatres and other public places on the grounds of colour, race, national origin and comparable considerations. The bill is expected to be introduced in the Althing next autumn.

Article 6

58. As to the remedies through national tribunals and other State institutions against acts of discrimination, reference is made to paragraphs 22 to 37 and 54 to 60 of the twelfth report and paragraph 4 of the

thirteenth report. The legislation concerning the Icelandic court system and the administrative system has remained unchanged since the thirteenth report was finalized. However, it should be noted that with the amendment to the Constitution, a new provision has been added to the human rights chapter, expressly securing certain procedural rights. Accordingly, section 70 of the Constitution reads as follows:

"In the determination of his civil rights and obligations or of any criminal charge against him, everyone is entitled to a fair hearing within a reasonable time by an independent and impartial tribunal. The trial shall be held in public unless otherwise decided by the judge according to law, in the interests of morals, public order, national security or the parties concerned.

"Everyone charged with a criminal offence shall be presumed innocent until proven guilty."

59. Even though these procedural rights were already expressly provided for in the general procedural legislation or regarded as unwritten principles it was deemed safer to include them in the written Constitution.

60. As discussed in the twelfth report, the remedial authority according to article 6 available to Iceland in cases of discrimination is mainly threefold, i.e. the courts, the administrative system and the Ombudsman of the Althing. As noted above, the office of the Children's Ombudsman came into operation; however, the Children's Ombudsman is not a remedial authority as there is no formal complaint procedure and it is not the role of the Ombudsman to deal with individual cases. Nevertheless, the Ombudsman receives a number of inquiries and has been able to advise children or their parents.

61. No cases, either civil or criminal cases, have been brought before the courts in recent years concerning racial discrimination. According to information from the Ombudsman of the Althing, the office has not received any complaint in recent years from individuals, claiming that they have been discriminated against by the authorities on the grounds of race, colour or national or ethnic origin. The Children's Ombudsman has not initiated any special recommendations to the authorities on the basis of problems concerning racial discrimination or prejudice against children.

Article 7

62. As described above, various measures have been taken in recent years to create and promote public awareness about human rights and international human rights instruments. These measures have been taken, both by the authorities and several human rights organizations, particularly the Human Rights Office and Icelandic Save the Children. Special emphasis has been laid on introducing the provisions and principles of the Convention on the Rights of the Child which includes the vital provision in article 2, that the extensive rights enumerated in the Convention shall be secured to each child without discrimination of any kind, irrespective of the child's or his or her parent's race, colour, sex, language, religion, political or other opinion, national, ethnic or social origin, property, disability, birth or other status.

63. In 1993 the Minister of Justice appointed a working group with representatives from the Ministries of Justice, Social Affairs, Health Affairs and Education to study and make proposals on the form which the publicity on the Convention on the Rights of the Child should take. The working group emphasized that the publicity on the Convention should be aimed at children of different ages; the Convention was therefore published and distributed in three different brochures for different age groups of primary school. The brochures will be distributed regularly to pupils in all primary schools in the future. There are now preparations to include the Convention as a permanent part of the Curriculum Guidelines for Primary Schools.

64. It should also be noted that Icelandic Save the Children has recently undertaken a comprehensive programme to introduce the provisions of the Convention to the public.

65. Even though the above-mentioned measures have chiefly been aimed at introducing and publicizing the Convention on the Rights of the Child, it must be considered as an important step in promoting understanding, tolerance and friendship as a part of education of children in Iceland. In this publication campaign, special emphasis has been laid on the principle of equality of all children without regard to race, colour and national or ethnic origin.

66. It should be reiterated that as a part of the project to publicize and distribute various human rights conventions, the International Convention on the Elimination of All Forms of Racial Discrimination has been published in a special leaflet and distributed widely.

67. Icelandic authorities have participated in some international cooperative efforts which have taken place in the past two years concerning the promotion of understanding and tolerance towards foreigners and between different racial and ethnic groups. The most important task in this respect was the project "The North against Xenophobia" (Norden mod fremmedhad). The idea initially derived from the Vienna Declaration of 1993, in which heads of State of the member States of the Council of Europe declared an action programme in Europe against racism, anti-Semitism, xenophobia and intolerance. In accordance with this and with a resolution adopted at the forty-third Assembly of the Nordic Council in November 1993 a special Inter-Nordic Steering Committee was appointed with the participation of Iceland, and a national committee in each of the Nordic countries, including Iceland, was established. This project was also related to and in cooperation with the Council of Europe's project "European Youth Campaign against Racism".

68. The work of "The North against Xenophobia" was divided mainly into the five following projects:

(a) "The Train of Cultural Freedom". This was done in cooperation with the Council of Europe's project "The European Youth Train". The aim of the project was to collect young people from all over Europe to travel by train around Europe in the summer of 1995 and introduce the Campaign against Racism, Anti-Semitism, Xenophobia and Intolerance in the various cities of Europe. The project was introduced widely in Iceland and discussed in the mass media. Between 100 and 200 applications for participation were submitted from Icelanders between the ages of 18 and 22 and 29 of them were accepted to take part. There were 241 participants from the Nordic countries;

(b) An inter-Nordic documentary film about "The Train of Cultural Freedom" has been produced and will soon be broadcasted on Icelandic National Television;

(c) A video project about xenophobia in the Nordic countries, an inter-Nordic video film about immigrants, with the participation of an Icelandic representative, is now in the making;

(d) An essay contest for young persons was held in the spring of 1995. The essay's subject should deal with racial prejudices, xenophobia or conflicts between different religions. The essay which won the first prize, "Racism and racial prejudices", was published in the largest newspaper in Iceland;

(e) A seminar for youth advisers and professionals in Iceland working with young people took place in October 1995. Emphasis was laid on the improvement of communication between young people of different origins, problems that may evolve and are related to prejudices against different races or minorities;

(f) Finally a Nordic mass media conference was held in Finland in October 1995 with the participation of Iceland. The conference's main subject was how the mass media deals with immigrants, its influence and consequences in this respect.

69. It should finally be noted that the Human Rights Office has offered special lectures concerning human rights and tolerance, for people working with and teaching immigrants in the country. In cooperation with the Icelandic Save the Children, the Office has organized seminars for retraining programmes at the Teachers' Training College, where the main objective has been to propagate the purposes and principles of the Universal Declarations of Human Rights and subsequent international human rights conventions.
